



# BUSINESS REGULATIONS IN LOCAL JURISDICTIONS

**OLO REPORT 2020-1** (released January 28, 2020)

Montgomery County
Office of Legislative Oversight (OLO)



## **OVERVIEW**

Montgomery County's 4Business Initiative (Benchmarking to Be the Best for Business) seeks to engage the local business community in a campaign to assist businesses to locate, grow, and prosper in Montgomery County.





#### Scope

OLO was tasked by the Montgomery
County Council to provide background
information on select laws and
regulations impacting Office, Retail,
and Restaurant Industries in
Montgomery County. OLO compared
regulations impacting these industries
with those found in other local
jurisdictions: Frederick County (MD),
Howard County (MD), Prince George's
County (MD), Fairfax County (VA), and
the District of Columbia (DC).

#### Acknowledgements

OLO staff members Stephanie Bryant and Kristen Latham conducted this study, with assistance from Leslie Rubin and Blaise DeFazio. OLO received a high level of cooperation from everyone involved in this study and appreciates the information and insights shared by all who participated. For list of all who participated in this study, see Section 08, page 87.

# COLLABORATIVE RESEARCH PROCESS

OLO worked with Executive and Legislative Branch staff to compile, categorize, and finalize the seven regulatory benchmarks summarized in this report.



#### **Research Method**

This analysis included a review of <u>readily available</u> information from each jurisdiction's laws, codes, and government websites.

OLO reviewed online information from non-profit organizations that are integral to the identified benchmarks (i.e. the International Code Council).

OLO met with officials from Montgomery County but did not contact staff from any other jurisdiction.

Of note, for full report tables (beginning on page 9) cells labeled "Unclear" indicate that information was not readily available in statutes, on websites, on forms/applications, and etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.



# SUMMARY

This Summary contains high-level charts of the seven regulatory benchmark categories reviewed by OLO. These charts quickly convey whether a jurisdiction has a law/regulation in a specific area and if so, whether it is governed by state, local, and/or federal law.

Each row corresponds to a table within the body of the report. Table Titles and Page Numbers are hyperlinked to ease navigation through the document.

A ✓ indicates law/regulation is present in a jurisdiction. For counties:

- A 

  ✓ (F) means Federal law applies.
- A ✓ (S) means <u>state</u> law applies.
- A ✓ (C) means <u>county</u> law applies.
- A ✓ (S+C) means both <u>county and state</u> law apply.

#### **SECTION 01: GENERAL BUSINESS REGULATIONS**

			COMPARISON JURISDICTIONS								
		MONTGOMERY	MARYLAND				VIRGINIA		WASHINGTON		
Table Title	Page(s)	COUNTY	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia		
1.1 Sick & Safe Law	p. 10	√ (C)	✓	✓ (S)	✓ (S)	✓ (S)			✓		
1.2 Minimum Wage Law	p. 11	√ (C)	✓	✓ (S)	✓ (S)	✓ (C)	✓ (F)	✓ (F)	✓		
1.3 Bag Tax	p. 12	√ (C)			Under Consideration				✓		
1.4 Impervious Surface Tax (Rain Tax)	p. 13	√ (C)	<b>√</b>	✓ (C)	✓ (C)	✓ (C)	√ (Authorizes Local Law)	✓ (C)	✓		

#### **SECTION 02: BUSINESS TAXES**

			COMPARISO	N JURISDICTIONS					
		MONTGOMERY	MARYLAND				VIRGINIA		WASHINGTON
Table Title	Page(s)	COUNTY	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
2.1 Fuel Energy Tax	p. 16	√ (C)				✓ (C)		√ (C)	✓
2.2 Business Income Tax	p. 17	✓ (S)	✓	✓ (S)	✓ (S)	✓ (S)	✓	✓ (C)	✓
2.3 Business Property Tax	p. 18	√ (C)		✓ (C)	✓ (C)	√ (C)		✓ (C)	✓

#### **SECTION 03: BUSINESS FORMATION**

			COMPARISON JURISDICTIONS								
		MONTGOMERY	MARYLAND	ARYLAND VIRGINIA					WASHINGTON		
Table Title	Page(s)	COUNTY	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia		
3.1 Business Formation	p. 21	✓ (S)	✓	✓ (S)	✓ (S)	✓ (S)	✓	√ (S)	✓		
3.2 Food Service Facilities	p. 22	✓ (S)	✓	✓ (S)	√ (S)	✓ (S)		√ (C)	✓		
3.3 Plumber	p. 23-24	✓ (S)	✓	√ (S+C)	✓ (S+C)	√ (S+C)	✓	✓ (S)	✓		
3.4 Home Builder	p. 25-26	√ (S+C)	✓	✓ (S)	√ (S)	√ (S+C)	✓	✓ (S)	✓		
3.5 Accountant	p. 27-28	✓ (S)	✓	✓ (S)	√ (S)	✓ (S)	✓	✓ (S)	✓		

### SUMMARY: SECTION 04 BUILDING CODES

			COMPARISON JURISD	ICTIONS					
		MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
Table Title	Page(s)	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
4.1 Int'l Building & Existing Building Codes	p. 31-33	IBC/IEBC 2015	IBC 2018 & IEBC 2015	IBC/IEBC 2015	IBC 2018 & IEBC 2015	IBC/IEBC 2015	VA Construction Code (ICC) 2015	VA Construction Code (ICC) 2015	IBC 2012/ DC Building Code 2013/ IEBC 2012 (DC Amended 2013)
4.2 Special Exceptions/Conditional Use	p. 34-35	✓ (C)		√ (C)	√ (C)	√ (C)		✓ (C)	✓
4.3 Tree Canopy Law	p. 36	✓ (S+C)	✓	✓ (S)	✓ (S)	√ (S+C)	✓	✓ (S+C)	✓
4.4 Roadside Tree Protection Law	p. 37	✓ (S+C)	✓	√ (S)	✓ (S)	√ (S+C)	✓	✓ (S+C)	✓
4.5 Accessibility	p. 38	✓ (S+C)	✓	✓ (S+C)	√ (S+C)	√ (S+C)	✓	✓ (S)	✓
4.6 Int'l Energy Conservation Code	p. 39	2015 IECC	2015 IECC	2015 IECC	2018 IECC	2015 IECC	2015 VA Energy Conservation Code (2015 IECC)	2015 VA Energy Conservation Code (2015 IECC)	2013 DC Energy Conservation Code (2012 IECC)
4.7 Int'l Green Construction Code	p. 40	√ (C)	√ (Voluntary)						✓
4.8 Int'l Mechanical Code	p. 41	2015 IMC & County Law	2018 IMC w/ HVACR	2015 IMC	2018 IMC	2015 IMC	2015 VA Mechanical Code (2015 IMC)	2015 VA Mechanical Code (2015 IMC)	2013 DC Mechanical Code/ 2012 IMC
4.9 Int'l Plumbing Code	p. 42	2018 IPC & 2018 WSSC Code	2018 IPC	2015 IPC & County Law	2018 IPC & County Law	2018 IPC & 2018 WSSC Code	2015 VA Plumbing Code (2015 IPC)	2015 VA Plumbing Code (2015 IPC)	2012 IPC & 2013 DC Plumbing Code
4.10 Nat'l Electrical Code	p. 43	2017 Nat'l Electrical Code	2014 Nat'l Electrical Code	2014 Nat'l Electrical Code	2017 Nat'l Electrical Code & County Law	2014 Nat'l Electrical Code & County Law	2014 Nat'l Electrical Code	2014 Nat'l Electrical Code	2011 Nat'l Electrical Code
4.11 Nat'l Fuel Gas Code	p. 44	2018 Int'l Fuel Gas Code & 2018 WSSC Code	2015 Nat'l Fuel Gas Code	2015 Int'l Fuel Gas Code	2018 Nat'l Fuel Gas Code & County Law	2018 Int'l Fuel Gas Code & 2018 WSSC Code	2015 VA Fuel Gas Code (IFGC 2015)	2015 VA Fuel Gas Code (IFGC 2015)	2012 ICC Fuel Gas Code
4.12 NFPA* 1 & 101 (Life Safety)	p. 45	NFPA 2015	NFPA 2018	NFPA 2015	NFPA 2015	NFPA 2015	2015 VA Statewide Fire Prevention Code & NFPA 2015	2015 VA Statewide Fire Prevention Code & NFPA 2015	Int'l Fire Code 2012
4.13 NFPA 13, 13D, & 13R (Sprinkler System)	p. 46	NFPA 2013	NFPA 2018	NFPA 2015	NFPA 2015	NFPA 2013	2015 VA Statewide Fire Prevention Code & NFPA 2015	2015 VA Statewide Fire Prevention Code & NFPA 2015	Int'l Fire Code 2012
4.14 NFPA 72 (Fire Alarm)	p. 47	NFPA 2013	NFPA 2018	NFPA 2015	NFPA 2015	NFPA 2013	2015 VA Statewide Fire Prevention Code & NFPA 2013	2015 VA Statewide Fire Prevention Code & NFPA 2013	Int'l Fire Code 2012 & NFPA 2012
4.15 Use & Occupancy	p. 48	√ (C)		√ (C)	Unclear	√ (C)		✓ (C)	✓

IBC = International Building Code
IEBC = International Existing Building Code
ICC = International Code Council

IECC = International Energy Conservation Code IMC = International Mechanical Code HVACR = Heating, Ventilation, Air Conditioning, and Refrigeration IPC = International Plumbing Code
IFGC = International Fuel Gas Code
NFPA = National Fire Protection Association

# SUMMARY: SECTION 05 HEALTH DEPARTMENT REQUIREMENTS

			COMPARISON JURIS	DICTIONS					
		MONTGOMERY COUNTY	MARYLAND			VIRGINIA		WASHINGTON	
Table Title	Page(s)		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
5.1 Health Department Application	p. 54	✓ (C)	√ (Chains Only)	√ (C)	√ (C)	✓ (C)		✓ (C)	<b>✓</b>
5.2 Food Facility Classification	p. 55-56	✓ (S)	✓	✓ (S)	✓ (S)	✓ (S)	✓	✓ (S)	✓
5.3 Food Facility Plans	p. 57	✓ (S+C)	✓	√ (S+C)	√ (S+C)	√ (S+C)		✓ (C)	✓
5.4 HACCP* Plan	p. 58	✓ (S+C)	✓	√ (S+C)	√ (S+C)	√ (S+C)	✓	✓ (S+C)	✓
5.5 Health Department License	p. 59	✓ (S+C)	✓	✓ (S+C)	√ (S+C)	√ (S+C)	✓	√ (S+C)	✓
5.6 Certified Food Service Manager	p. 60-61	✓ (C)			√ (C)	√ (C)	✓	✓ (S+C)	✓
5.7 Allergy Awareness	p. 62	✓ (S+C)	✓	✓ (S)	✓ (S)	✓ (S)	✓	✓ (S)	✓
5.8 Health Inspections	p. 63	✓ (S+C)	✓	✓ (S+C)	√ (S+C)	√ (S+C)	✓	✓ (S+C)	✓
5.9 Nutrition Labeling	p. 64	✓ (F+C)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)
5.10 Trans Fat Ban	p. 65	✓ (F+C)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)
5.11 Polystyrene Ban	p. 66	✓ (S+C)	✓	✓ (S)	✓ (S)	✓ (S+C)			✓
5.12 Smoking Prohibition	p. 67	✓ (S+C)	✓	✓ (S)	✓ (S+C)	√ (S+C)	✓	✓ (S+C)	✓

<sup>\*</sup>HACCP = Hazard Analysis Critical Control Point

### **SUMMARY: FOOD TRUCK LAWS & ALCOHOL LICENSES**

#### **SECTION 06: FOOD TRUCK LAWS & LICENSES**

		MONTGOMERY	COMPARISON JUR	ISDICTIONS					
		COUNTY	MARYLAND				VIRGINIA		WASHINGTON
Table Title	Page(s)		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
6.1 Health Dep't Application	p. 71	✓ (C)		✓ (C)	√ (C)	✓ (C)		✓ (C)	✓
6.2 Mobile Unit Facility Plan	p. 72	√ (S+C)	✓	✓ (S+C)	√ (S+C)	✓ (S+C)		√ (S+C)	✓
6.3 Health License	p. 73	✓ (S+C)	✓	✓ (S+C)	√ (S+C)	√ (S+C)	✓	✓ (S+C)	✓
6.4 Health Inspections	p. 74	√ (S+C)	✓	✓ (S)	✓ (S)	✓ (S+C)	✓	✓ (S+C)	✓
6.5 Base of Operations	p. 75	√ (S+C)	✓	✓ (S)	✓ (S)	✓ (S+C)	✓	✓ (S+C)	✓
6.6 Fire Inspection	p. 76		✓	✓ (C)	✓ (C)	√ (C)	✓	✓ (S)	✓
6.7 Location & Hours of Operation	p. 77	✓ (C)	Unclear	Unclear	Unclear	√ (C)	✓	✓ (S+C)	✓
6.8 Business License	p. 78	✓ (S+C)	✓	✓ (S)	√ (S+C)	√ (S+C)	✓	✓ (S+C)	✓

#### **SECTION 07: ALCOHOL LICENSES\***

		MONTGOMERY	COMPARISON JUR	ISDICTIONS					
		COUNTY	MARYLAND				VIRGINIA		WASHINGTON
Table Title	Page(s)		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
7.1 Application Fees	p. 82	√ (S+C)	✓	√ (S+C)	√ (S+C)	√ (S+C)	✓	√ (S)	✓
7.2 License Fees	p. 83-84	√ (S+C)	✓	√ (S+C)	√ (S+C)	✓ (S+C)	✓	√ (S)	✓
7.3 Alcohol Awareness Training	p. 85	✓ (S)	✓	√ (S+C)	√ (S+C)	✓ (S)	✓	✓ (S)	✓

<sup>\*</sup>Note: For Maryland Jurisdictions - County-specific legislation is in State Law.



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# **GENERAL BUSINESS REGULATIONS**



- L.1 Sick & Safe Leave Law
- 1.2 Minimum Wage Law
- 1.3 Bag Tax
- 1.4 Impervious Surface Tax (Rain Tax)

### 1.1 Sick & Safe Leave Law



Requires employers to provide earned paid and/or unpaid leave to eligible employees to be used for specified circumstances, including medical care for themselves or family members, paternity or maternity leave, and domestic violence or sexual assault related services.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND	For all and all a	Harris	Driver Communic	VIRGINIA	Fatifica	WASHINGTON
1	<b>√</b>	State ✓	Frederick   ✓	Howard	Prince George's		Fairfax No	District of Columbia
Applicable Code	Montgomery County Code Sec. 27-7-8	MD. Code Ann. Lab. & Empl. Art. Sec. 3-301 to 3-1311	•	State Law Applie	,	unpaid or paid sick leav	es not require employers to provide ye to employees. Local jurisdictions ecified areas with express authority	District of Columbia Code Sec. 32-531.02
Description of Requirements	Type of leave based on employer size (not all employees qualify). State law does not preempt local law unless State law provides a more generous benefit.	Applies in all other jurisdictions besides Montgomery County. Leave amounts based on size of employer and number of hours worked.						Amount of leave based on employer size; employees must provide 10-day notice before taking leave or 24 hrs. notice before emergency leave.
Selected Requirements								
	Less than 5 employees	14 or fewer employees						24 or fewer employees
Employer Size	5 or more employees	15 or more employees						25-99 employees
	o or more empleyees	10 di mele dinpleyees						100 or more employees
Employee Count	Counts any worker that works more than 8 hours per week. Does not include government employees, independent contractors, or persons without a regular work schedule.	Counts employees that work more than 12 hours per week. Total includes full-time, part-time, temporary and seasonal employees (whether these employees are entitled to leave or not).						To qualify, employees must spend more than 50% of time in DC or be based in DC (but don't spend more than 50% of time in another state). Employee count calculated by averaging the number of full-time equivalent employees per month.
	Less than 5 employees: Employees earn 1 hour for every 30 hours worked, up to 32 hours paid leave and 24 hours unpaid leave (56 hours/7 days).	14 or fewer employees: Employees earn 1 hour for every 30 hours worked, up to 40 hours of unpaid leave (5 days).						24 or fewer employees: Employees earn 1 hour for every 87 hours worked, up to 3 days of leave.
Total Leave Accrued Per Year	5 or more employees: Employees	15 or more employees: Employees						25-99 employees: Employees earn 1 hour for every 43 hours worked, up to 5 days per year.
	earn 1 hour for every 30 hours worked, up to 56 hours paid leave (7 days).	earn 1 hour for every 30 hours worked, up to 40 hours of paid leave (5 days).						100 or more employees: Employees earn 1 hour for every 37 hours worked, up to 7 days per year.
								Tipped employees earn 1 hour for every 43 hours worked, up to 5 days.
Probationary Period	90 days	106 days						90 days
Total Leave May Use Per Year	80 hours	64 hours						Limited to maximum number of days earned per year
Carry Over Leave Amount	56 hours	40 hours						Yes
Reporting A Violation	Self-reporting	Self-reporting						Audits and Self-reporting

### 1.2 Minimum Wage Law



Establishes a base level of pay that employers are required to pay certain employees. States may elect to follow the Federal minimum wage, enact wages higher than the Federal wage, or set lower wages for certain types of employees. When the employee is subject to both the federal and state minimum wage, the employee receives the higher of the two wages.

		COMPARISON JURISDICTIC	NS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec. 27-68	MD. Code Ann. Lab. & Empl. Art. Sec. 3-413	State Lav	v Applies	Prince George's County Code Labor, 13A-117	Code Federal Minimum Wage Law Applie jurisdictions cannot set local minimu rates. (Dillion Rule, see Table 1.1)		District of Columbia Code Sec. 32-1003
Description of Requirements	Hourly rate based on number of employees; County law established 3 groups of employer sizes.	Hourly rate based on number of employees; State law establishes 2 employer sizes.			Hourly rate based on number of employees; County law establishes 2 employer sizes (mirrors State law); County plans to adopt State timeframe to reach \$15 per hour in 1/1/2021.			Law does not determine hourly wage based on employer size.
Selected Requirements								
Current Rate Per Hour	10 or fewer employees: \$12.50	14 or fewer employees: \$10.10			14 or fewer employees: \$11.50			
(Based on No. of Employees)	11 - 50 employees: \$12.50	15 or more employees:			15 or more employees: \$11.50			\$14.00
Litipioyeesj	51 or more employees: \$13.00	\$10.10			13 of more employees, \$11.50			
Timeframe to Reach \$15	10 or less employees: \$15 after 7/1/2024	14 or fewer employees: \$15 after 7/1/2026			15 or fewer employees: \$15 after 7/1/2026			
per Hour Minimum Wage (Based on No. of	11-50 employees: \$15 after 7/1/2023	15 or more employees:			16 or more employees:			\$15 after 7/1/2020
Employees)	50 or more employees: \$15 after 7/1/2021	\$15 after 7/1/2025			\$15 after 7/1/2025			
CPI Adjustment After \$15 per Hour Minimum Wage Reached	Yes	No			No			Yes
Current Tipped Rate <u>per</u> <u>Hour</u>	\$4.00	\$3.63			\$3.63			\$4.45; Increasing to \$5.00 per hour after 7/1/2020

### 1.3 Bag Tax



Businesses that provide single-use bags to the customer are required to charge a tax at the point of sale.

		COMPARISON	JURISDICTIONS	S				
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		Washington
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	No	No	Under Consideration	No	No	No	<b>✓</b>
Applicable Code	Montgomery County Code Sec. 52-77 to 52-83			12/2/19 Howard County Council passed a bill that requires a \$0.05 fee on plastic bags. If signed, law takes effect on 10/1/2020. Retailers would remit \$0.04 to the County, with \$0.01 being retained to cover administrative costs.		No State or Local Lo See Table		DC Code Sec. 8-102.03
Description of Requirements	Fee assessed per bag (paper or plastic); exemptions apply; store may provide credit if customer brings own bag.							Fee assessed per bag (paper or plastic); exemptions apply; store may pay reduced remittance fee if credit offered to customer.
Selected Requirements								
Bag Charge	\$0.05 per bag							\$0.05 per bag
Amount Kept by Store	\$0.01 per bag							\$0.01 per bag; \$0.02 per bag if store offers customer credit
Required Remittance to Jurisdiction	\$0.04 per bag							\$0.03; \$0.04 depending if store provides customer credit
Restaurant Exemption	No fee assessed for paper bags used to carry prepared or leftover food from a restaurant.							Restaurants with seating are not required to charge for paper bags.
Low-Volume Retailers	Special reporting and remitting requirements.							N/A
Reporting Requirements	Each month retailers must report number of bags provided and payment.							Retailers must report net bag fee and collections on monthly tax form.

### 1.4 Impervious Surface Tax (Rain Tax)



An annual charge assessed on property owners typically based on a property's potential to contribute stormwater runoff. Fee is calculated based on a property's amount of impervious surfaces, which includes parking lots, roofs, sidewalks, etc., that do not permit rainwater to infiltrate the ground and enter the sewer system. The tax charged is proportional to the total impervious area on a property. An owner whose property has a greater proportion of impervious surfaces will be assessed a higher fee.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec. 19-35	Md. Code Ann. Env. Art. Sec 4-202.1	Frederick County Code Sec. 1-15.2-3.6	Howard County Code Sec. 20.1103	Prince George's County Code, Sec. 32-201.07	VA Administrative Code 9VAC25-870-700	Fairfax County Code Appendix O	DCMR Section 21-556
Description of Requirements	Charge based on impervious area sq. ft. and Equivalent Residential Unit (ERU).	2012: The State required the 10 most populous jurisdictions in Maryland, including Prince George's, Frederick, and Howard Counties, to establish a stormwater remediation fee and watershed protection/restoration fund. 2016: The State authorized local jurisdictions to repeal the tax, but jurisdictions must identify sources of revenue to cover costs.	Frederick County uses general fund revenue to fund its stormwater program. A small fee is assessed on all properties.	Charge based on impervious area sq. ft. and Equivalent Residential Unit (ERU).	Charge based on impervious area sq. ft. and Equivalent Residential Unit (ERU). Assesses a one-time annual administrative fee.	Virginia State law permits local jurisdictions to set rates and collect an impervious surface tax.	Tax on assessed value of property.	DC charges a stormwater fee to support the District's MS4 permit. Fee is used to keep trash and other pollutants out of the rivers, install green infrastructure, ensure that new construction and redevelopment projects incorporate green infrastructure, and provide incentives for voluntary retrofits. Fee is based on square feet and Equivalent Residential Unit (ERU).
Selected Requirements								
Formula	(Impervious Area SQ. FT./ERU)*Rate		Uniform rate for all properties	(Impervious Area SQ. FT./ERU)*Rate	(Impervious Area SQ. FT./ERU)*Rate		Rate per \$100 assessed value	(Impervious Area SQ. FT./ERU)*Rate
Equivalent Residential Unit (ERU)	2,406 sq. ft.			500 sq. ft.	2,465 sq. ft.			1000 sq. ft.
Rate	\$104.25		\$0.01	\$15.00	\$20.90		\$0.0325	\$23.00
Administration Fee					\$20.58 per Account per Year			
Fee Collected	Annually		Annually	Annually	Annually		Annually	Monthly
Collection Method	Property Tax Bill		Property Tax Bill	Property Tax Bill	Property Tax Bill		Property Tax Bill	Water Bill
Hardship Fee Adjustment for Commercial Properties				Property owner's charge must be greater than 15% of total tax bill for all properties. Properties owners whose fee exceeds \$1,000 can apply for financial hardship. Each subsequent year the fee is capped.				
Credits Offered to Commercial Properties	Yes			Yes	Yes		Yes	Yes

### SECTION 01 SOURCES: GENERAL BUSINESS REGULATIONS (as of January 2020)

Table	Websites
Table 1.1 Sick and Safe Leave	https://www.peoples-law.org/montgomery-county-earned-sick-and-safe-leave; https://www.montgomerycountymd.gov/humanrights/Resources/Files/Sick_Safe_Leave_Guidance_Aug2018.pdf; https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/ASSLA.pdf; https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/ASSLA%20%282%29.pdf
Table 1.2 Minimum Wage	https://www.montgomerycountymd.gov/humanrights/Resources/Files/Minimum Wage Transition Table.pdf; http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx; https://oag.dc.gov/workers-rights/wage-and-hour-laws
Table 1.3 Bag Tax	https://www.montgomerycountymd.gov/bag/retailers.html; https://apps.howardcountymd.gov/olis/PrintSummary.aspx?LegislationID=12383; https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Bag%20Law%20for%20Businesses%20Guidance.pdf
Table 1.4 Rain Tax	https://www.mwcog.org/file.aspx?&A=yncmmwltVL4WDtjGjNqN5JqQen9CTtU5rqLUHghlR7A%3D; https://serviceinfo.dcwater.com/iab_details/; https://www.cleanwaterhoward.com/what-is-your-role/non-residential-commercial-properties; https://www.princegeorgescountymd.gov/283/Fees-Exemptions; https://www.montgomerycountymd.gov/water/wqpc/; https://www.fairfaxcounty.gov/publicworks/stormwater-service-district; https://doee.dc.gov/service/stormwater-fee-background

NOTE: Cells labeled "Unclear" indicate that information was not readily available in statutes, on websites, on forms/applications, etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.



# **BUSINESS TAXES**

- 2.1 Fuel Energy Tax
- 2.2 Business Income Tax
- 2.3 Business Property Tax

### 2.1 Fuel Energy Tax



A surcharge on energy use typically passed on to the energy user.

#### **ELECTRICITY**

		COMPARISON	JURISDICTIONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	No	No	No	✓	No	✓	✓
Applicable Code	Montgomery County Code Sec. 52-14				Prince George's County Code, Finance and Taxation, Sec. 10-205 et seq.		Fairfax County Code Sec. 4-6	DC Code Sec. 47-2501
Selected Requirements								
FY20 Residential Tax Rate	\$0.01106 per kWh				\$0.00969 per kWh		\$0.56 + \$0.00605 per kWh	\$0.007 per kWh
Limits	None				None		Minimum: \$0.56; Maximum \$4.00	None
FY20 Commercial Tax Rate	\$0.01978 per kWh				\$0.00969 per kWh		\$1.15 + \$0.00594 per kWh	\$0.0077 per kWh
Limits	None				None		Minimum: \$1.15; Maximum: \$1,000	None

#### **NATURAL GAS**

		COMPARISON	JURISDICTIONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick Howard		Prince George's	State	Fairfax*	District of Columbia
Law	✓	No	No	No	✓	No	✓	✓
Applicable Code	Montgomery County Code Sec. 52-14				Prince George's County Code, Finance and Taxation, Sec. 10-205 et seq.		Fairfax County Code Sec. 4-6	DC Code Sec. 47-2501
Selected Requirements								
FY20 Residential Tax Rate	\$0.09515 per therm				\$0.055648 per therm		\$0.56 + \$0.95259 per CCF	\$0.0707 per therm
Limits	None				None		Minimum: \$0.56; Maximum \$4.00	None
FY20 Commercial Tax Rate	\$0.17026 per therm				\$0.055648 per therm		\$0.845 + \$0.04794 per CCF	\$0.07777 per therm
Limits	None				None		Minimum: \$0.845; Maximum: \$300	None

<sup>\*1</sup> CCF = 1 therm

### 2.2 Business Income Tax



A tax on the annual profit of a business. Fairfax County (VA) assesses a business tax on the gross receipts for the prior year for most businesses, professions, trades, and occupations.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	1	Fundadal	Ususand	VIRGINIA			WASHINGTON District of Columbia
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	No	✓	No	No	No	✓	✓	✓
Applicable Code		MD Code Ann., Tax - General, Title 10. Income Tax				Virginia Code Title 58.1, Taxation, Sec. 58.1-300 et seq.	See Below	DC Code Sec. 47-18 et seq.
Administering Department		MD Department of Assessments and Taxation				Virginia Department of Taxation		DC Office of Tax and Revenue
Selected Requirements								
Tax Rate		8.25% of Net Income				6% of Net Income		8.25% of Net Income
Limits								Gross Receipts < or = \$1 Million: \$250 Minimum; Gross Receipts > \$1 Million: \$1,000 Minimum

#### TAX YEAR 2019 FAIRFAX COUNTY, VIRGINIA BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL) TAX (Fairfax County Code Sec. 4-7-2)

Gross Receipts/Purchases of \$10,000 or Less	\$0 per year
Gross Receipts/Purchases of \$10,001 - \$50,000	\$30 per year
Gross Receipts/Purchases of \$50,001 - \$100,000	\$50 per year

Tax Rates if Gross Receipts/Purchas	ses are \$100,001 or More:		
Wholesale Merchants (Based on Gross Purchases)	\$0.04 per \$100 in gross receipts	Real Estate Brokers	\$0.31 per \$100 in gross receipts
Builders and Developers	\$0.05 per \$100 in gross receipts	Research & Development Business	\$0.31 per \$100 in gross receipts
Contractors	\$0.11 per \$100 in gross receipts	Automobile Graveyard	\$50 per year
Retail Merchants	\$0.17 per \$100 in gross receipts	Bondsman	\$30 per year
Business Service Occupations	\$0.19 per \$100 in gross receipts	Dance Hall	\$100 per year
Money Lenders	\$0.19 per \$100 in gross receipts	Fortune Teller	\$500 per year
Personal Service Occupations	\$0.19 per \$100 in gross receipts	Mixed Beverage License - Seating Capacity of 50-100	\$200 per year
Repair Service Occupations	\$0.19 per \$100 in gross receipts	Mixed Beverage License - Seating Capacity of 101-150	\$350 per year
Telephone Companies	\$0.24 per \$100 in gross receipts	Mixed Beverage License - Seating Capacity over 150	\$500 per year
Amusement Occupations	\$0.26 per \$100 in gross receipts	Mixed Beverage License - Private, Nonprofit Club Operating a Restaurant on Premises	\$350 per year
Hotels and Motels	\$0.26 per \$100 in gross receipts	Circus, Dog and Pony Show, Trained Animal Show, Menagerie	\$50 per day or \$250 per week
Renting by Owner (Residential or Commercial Property)	\$0.26 per \$100 in gross receipts	Carnivals Not Requiring a Special Use Permit	\$200 per day or \$1,000 per week
Professional Occupations	\$0.31 per \$100 in gross receipts		
Consultants and Specialized Occupations	\$0.31 per \$100 in gross receipts	Carnivals Requiring a Special Use Permit	\$10 per day or \$25 per week

### 2.3 Business Property Tax



FY20 REAL PROPERTY TAX: A tax on the assessed value of real property owned by a business. Note: Totals found on jurisdictions' websites.

			COMPARISO	ON JURISDICTIONS										
	MONTGOMER	RY COUNTY	MARYLAND							VIRGINIA			WASHINGTO	
			State	Freder	ick	Hov	ward	Prince	George's	State	Fairfo	axx	Distric	ct of Columbia
Law	✓		No	✓		,	✓		✓	No	✓			✓
Applicable Code	Montgomery C Chapter 52, Ta			Frederick County Finance and			y Code, Title 20, ges, and Fees	Finance a	's County Code, nd Taxation, '3.01 et seq.		Fairfax County Taxation and Fina Billing for Taxes or	ınce, Article 10,	Licensing, F and Fees, (	e Title 47, Taxation, Permits, Assessments, Ch. 8, Real Property sment and Tax
Administering Department	Department (	of Finance		Frederick Coun Finance and M	,		y Department of ance	_	County Office of ance		Fairfax County Department of To Administration			
Selected Requirements														
	County	\$0.7166		County (except Fred. City, Myersville)	\$1.0600	County	\$1.014	County	\$0.0 - \$1.00		County	\$1.15		
Tax Rate (per \$100 in Assessed	Special Service Area Taxes (combined)	\$0.2011 – \$0.4271		Municipalities	\$0.04 - \$0.7305	Fire Tax	\$0.236	M-NCPPC	\$0.1346 - \$0.294				DC	\$1.65 - \$1.89
Value)	Municipal District Tax	\$0.0 - \$0.6220		Frederick City	\$0.9423			Stormwater	\$0.0 - \$0.054		Other	\$0.001 - \$0.20	DC	\$1.00 - \$1.07
	Total	\$1.0811 -		Myersville	\$0.9325	Ad Valorem	\$0.08	WSTC	\$0.0 - \$0.026		Şs. 4.			
	iolai	\$1.6256		/vtyersville	ψ0./323			Total	\$0.294 - \$1.374					

FY20 PERSONAL PROPERTY TAX: A tax on the assessed value of personal property owned by a business. Note: Totals found on jurisdictions' websites.

			COMPARIS	ON JURISDICTIONS										
	MONTGOMER	Y COUNTY	MARYLAND							VIRGINIA			WASHINGTON	
			State	Freder	ick	Hov	vard	Prince G	eorge's	State	Fairf	fax	Distric	of Columbia
Law	✓		No	✓		,	/	✓	•	No	✓	,		✓
Applicable Code	Montgomery C Chapter 52, Ta			Frederick County Finance and			y Code, Title 20, ges, and Fees	Prince George's Finance and Sec. 10-193	d Taxation,		Fairfax County Coc and Finance, Artic Proper	cle 17.1 Personal	Licensing, Pe and Fees, (	Title 47, Taxation, ermits, Assessments, Ch. 15, Taxation of nal Property
Administering Department	Department of	of Finance		Frederick Coun Finance and M	,		Department of Ince	Prince George's of Find	,		Fairfax County De Adminis	•	DC Office o	f Tax and Revenue
Selected Requirements														
	County	\$1.7915				County	\$2.535	County	\$2.50					
Tax Rate (per	Special Service Area Taxes (combined)	\$0.4375 - \$0.6853		Carret	<b>#0.75</b>			M-NCPPC	\$0.1950 - \$0.7350		Cananal	¢4.57	DC	<b>#0.024</b>
\$100 in Assessed Value)				County	\$2.65	Fire Tax - Metro	\$0.44	Stormwater	\$0.0 - \$0.1350		General	\$4.57	DC	\$0.034
value)	Total	\$2.2290 -						WSTC	\$0.0650					
	iolai	\$4.0268						Total	\$2.895 - \$3.435					

### SECTION 02 SOURCES: BUSINESS TAXES (as of January 2020)

Table	Websites
2.1 Fuel Energy tax	See Code Citations in Table.
2.2 Business Income Tax	See Code Citations in Table.
2.3 Business Property Tax	See Code Citations in Table.

NOTE: Cells labeled "Unclear" indicate that information was not readily available in statutes, on websites, on forms/applications, etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.



# **BUSINESS LICENSES**

- 3.1 Business Formation
- 3.4 Home Builder
- 3.2 Food Service Facilities
- 3.5 Accountant

3.3 Plumber

### 3.1 Business Formation



Most businesses must register with the State government where they conduct business.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's		Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	<b>√</b>	✓	✓
Applicable Code	State Law Applies	MD Code Ann., Corporations and Associations		State Law Applies		VA Code, Title 13.1, Corporations	State Law Applies	DC Code Title 29, Business Organizations
Administering Department		MD Department of Assessments and Taxation				State Corporation Commission		Department of Consumer and Regulatory Affairs
Registration Fees				1				
Stock Corporation		\$120				\$75 - \$2,525 based on # of shares of stock		\$220 - \$1,650 based on value of authorized capital
Close Corporation		\$120						
Nonstock Corporation		\$170				\$75		
Professional Corporation								\$220
Nonprofit Corporation								\$80
Religious Corporation		\$120						
Limited Liability Company		\$100				\$100		\$220
General Partnership		\$0				\$25		
Limited Partnership						\$100		\$220
Registered Limited Liability Partnership						\$100		\$220
General Cooperative Association								\$80
Limited Cooperative Association								\$80 (nonprofit) or \$220 (for profit)
Trade Name Registration		\$25						\$200
Business Trust						\$100		\$220
Sole Proprietorship		\$0						
Foreign Corporations		\$100						\$220
Foreign Nonprofit								\$80

Note: Jurisdictions may use different definitions/names for similar businesses.

### 3.2 Food Service Facilities



Jurisdictions may require food service facilities (e.g., restaurants) to obtain a business license prior to opening.

	MONTGOMERY	COMPARISON JURISDICTIONS						
	COUNTY	MARYLAND				VIRGINIA		WASHINGTON
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	No	✓	✓
Applicable Code	State Law Applies	Title 17. Miscellaneous State Business Licenses, Subtitle 18. Traders and Chain Stores.		State Law App	lies	The State of Virginia does not have a general business license that all businesses must have to conduct business in the State. Counties collect BPOL tax annually.	See BPOL Tax, Table 2.2	DC Reg. Vendors and Solicitors, Vol. 60 No. 40 Sec. 502
Administering Department		Comptroller of Maryland						Department of Consumer and Regulatory Affairs
Description of Requirements		A person or business organization (other than a grower, maker or manufacturer) may not offer for sale, sell or otherwise dispose of any goods within Maryland, without first obtaining a Traders license from the Clerk of the Circuit Court.						Must obtain a basic business license (BBL). Fee depends on type of food service business.
Selected Requirements								
Application Method		Online, mail, or in-person						Online or In-person
Cost		Trader's License fee based on the wholesale value of retail inventory. Range from \$15 (up to 1,000) to \$800 (over \$750,001).						Sample of fees by type: Bakery - \$517; Caterer \$348.70; Restaurant based on number of seats ranges from \$599.50 (1 to 10 seats) to \$968.00 (100+ seats).
Renewal		Annual						Varies by License Type

### 3.3 Plumber



Licensing laws and fees for plumber across selected jurisdictions.

			COMPARISON JURIS	DICTIONS							
	MONTGOM	ERY COUNTY	MARYLAND				VIRGINIA			WASHINGTON	
			State	Frederick	Howard	Prince George's	Sto	ıte	Fairfax		f Columbia
Regulated	✓	✓	✓	✓	✓	✓	✓	✓	No	✓	✓
Applicable Code	MD Code Ann., Public Utilities, Division II, Washington Suburban Sanitary Commission	MD Code Ann., Business Regulation, Title 17, Miscellaneous State Business Licenses	MD Code Ann., Business Occupations and Professions, Title 12, Plumbers	Frederick County Code, Chapter 1- 14, Plumbing	Howard County Code, Title 3, Buildings, Subtitle 3, Plumbing and Gasfitting Regulations	MD Code Ann., Public Utilities, Division II, Washington Suburban Sanitary Commission; Prince George's County Code, Subtitle 17, Plumbing and Gas Fitting	Virginia Code Title 54, Chapter 11; 18 Virginia Administrative Code 50-30	Virginia Code Title 54, Chapter 11; 18 Virginia Administrative Code 50-30		DC Code Title 47, Taxation, Licensing, Permits, Assessments, and Fees	DC Municipal Regulations, Department of Consumer and Regulatory Affairs, Chapter 17
Occupation or Business Regulated?	Master Plumber	Plumbers	Master Plumber	Master Plumber	On-Site Utility Contractor	Master Plumber	Master Plumber	Contractor		Master Plumber	General Business
Occupation or Business License?	Occupation	Business	Occupation	Occupation	Occupation	Occupation	Occupation	Business		Occupation	Business
Administering Department	Washington Suburban Sanitary Commission (WSSC)	Montgomery County Circuit Court License Department	MD Department of Labor Licensing and Regulation	Frederick County Department of Permits and Inspections	Howard County Department of Inspections, Licenses, and Permits	Washington Suburban Sanitary Commission	Department of Professional and Occupational Regulation Board for Contractors	Department of Professional and Occupational Regulation Board for Contractors		DC Department of Consumer and Regulatory Affairs (DCRA)	DCRA
Description of Requirements	An applicant for a permit required by WSSC for work on a system under WSSC's jurisdiction must be a registered Master Plumber.	Certain types of new businesses in Montgomery County must obtain a license from the Circuit Court.	Only insured master plumbers can enter into contracts to perform plumbing or gas services.	All master plumbers are required to apply for a license with the Director of the Department of Permits and Inspections.	A permit for on-site utility work shall only be issued to a licensed master plumber or holder of a Howard County On-Site Utility Contractor license.	An applicant for a permit required by WSSC for work on a system under WSSC's jurisdiction must be a registered Master Plumber.	The Board for Contractors regulates individual tradesmen who engage in trades, including plumbing, HVAC, gas fitting, and elevator mechanics.	The Board for Contractors licenses businesses engaged in the construction, removal, repair, or improvement of facilities owned by others.		The Board of Industrial Trades ensures that individuals engaged in trades have specialized skills and training.	All businesses in DC must be licensed. The DCRA issues licenses for business activities, including "general business."

### 3.3 Plumber Cont'd – Selected Requirements



Licensing laws and fees for plumber across selected jurisdictions.

			COMPARISON JURISDIC	CTIONS							
	MONTGOME	RY COUNTY	MARYLAND				VIRGINIA			WASHINGTON	
			State	Frederick	Howard	Prince George's	S	tate	Fairfax	Distric	of Columbia
Applies to Business or Occupation License	Occupation	Business	Occupation	Occupation	Occupation	Occupation	Occupation	Business		Occupation	Business
Exam Required	Yes	N/A	Yes	No	No	Yes	Yes	N/A		Yes	N/A
Prior License or Training Required	Yes	No	Yes	For required MD State license	Yes	Yes	Yes	Yes		Yes	No
Cost of Certification	\$105 (\$93 for reciprocal license)	\$15	\$70	\$162	\$77	\$105 (\$93 for reciprocal license)	\$130	\$235-\$385 based on net worth/equity of business		\$120	\$324.50
Application Administrative Fee	Unclear	Unclear	No	No	No	Unclear	No	No	Unclear	\$65	No
Renewal Fee	Same as application	Unclear	Unclear	\$162	Unclear	Same as application	Unclear	Unclear	Unclear	\$155	Unclear
Reciprocal or Transfer Certification	Yes (State of Maryland or Commenwealth of Virginia)	N/A	Yes (Baltimore County, WSSC, Delaware)	No	Yes (Valid Onsite Utility Contractor's License from another MD jurisdiction)	Yes (State of Maryland or Commonwealth of Virginia)	No	N/A		Unclear	N/A
Application Requirements	Journey licensed for 2 years, pass exam, completion of cross-connection or backflow prevention course, certificate of insurance, 3 letters of reference.	Worker's compensation info, number of employees, value of inventory, use & sales tax registration.	Journey licensed for 2 years, 3,750 hours of training, pass exam, proof of backflow certification, certificate of insurance.	Maryland Master Plumber license, driver's license or other government photo ID with signature.	Valid Onsite Utility Contractor's License from another MD jurisdiction or two years of satisfactory experience in onsite utility contracting business, certificate of insurance.	Journey licensed for 2 years, pass exam, completion of cross-connection/backflow prevention course, certificate of insurance, 3 letters of reference.	One-year experience as licensed journeyman or 10 years practical experience.	Valid DPOR plumbers license, financial statement or audit or surety bond, government-issued photo ID, completion of prelicense education course, experience verification.		8 years experience, 16,000 hours, W2/tax records, employment verification letter, passport photo, government- issued ID.	Corporate registration, tax registration, certificate of occupancy, less thar \$100 in outstanding debt to DC Government.
Certification Period	4 years for license by exam; 2 years for reciprocal license	All licenses expire on April 30th regardless of when issued	2 years from issuance	Until Nov. 13 of next odd- numbered year	Registrations expire July 31 <sup>st</sup>	4 years for license by exam; 2 years for reciprocal license	2 years	2 years		Up to 2 years	Unclear
Continuing Education	No	No	No	No	No	No	3 hours required for license renewal	No		No	No
Other					Individuals with a Maryland State master plumbers license may perform work in Howard County without an Onsite Utility Contractor's License.			Class A, B, and C licenses - issued based on net worth/equity of business.			

### 3.4 Home Builder



Licensing laws and fees for home builders across selected jurisdictions.

		COMPARISON JURISDICTIONS						
	Montgomery County	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's		Fairfax	District of Columbia
Regulated	✓	<b>✓</b>	✓	✓	<b>✓</b>	✓	✓	✓
Applicable Code	Montgomery County Code Ch. 31C, New Home Builder and Seller Registration and Warranty	MD Code Ann., Business Regulation, Title 4.5, Home Builder Registration	State La	w Applies	Prince George's County Code, Subtitle 2, Administration, Division 14A, Building Contractor's License	Virginia Code Title 54.1, Chapter 11, Contractors; 18 Virginia Administrative Code 50-30	State Law Applies	DC Municipal Regulations, Department of Consumer and Regulatory Affairs, Chapter 17-39
Occupation or Business Regulated?	New Home Builders	Home Builders			Building Contractor	Contractor		General Contractor/Construction Manager
Occupation or Business License?	Occupation	Both			Both	Business		Business
Administering Department	Office of Consumer Protection	Office of the Attorney General Home Builder Registration Unit			Department of Permitting, Inspections and Enforcement, Board of Registration for Building Contractors	Department of Professional and Occupational Regulation Board for Contractors		DC Department of Consumer and Regulatory Affairs (DCRA)
Description of Requirements	Montgomery County requires any person in the business of constructing or otherwise creating a new residential home to register with the Office of Consumer Protection and to provide a new home warranty.	All home builders who build homes in Maryland must be registered with the Consumer Protection Division before they enter into a contract with a consumer for the construction or sale of a new home. Local permitting departments cannot issue home building permits absent the registration number of a registered home builder.			It is unlawful for any person to act as a building contractor without registering and receiving a license. A building contractor is any person or business to buildings residential buildings or dwellings.	The Board for Contractors licenses businesses engaged in the construction, removal, repair, or improvement of facilities owned by others.		DCRA requires any person who does construction on real property of another person of commercial, industrial, institutional, governmental, residential or accessory use buildings or structures to register as a General Contractor/Construction Manager. This differs from a Home Improvement Contractor. Building permit applications must include a license number and class of license.

### 3.4 Home Builder Cont'd – Selected Requirements



		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's		Fairfax	District of Columbia
Applies to Business or Occupation License	Occupation	Both			Both	Business		Business
Exam Required	No	No			No	Yes		No
Prior License or Training Required	Yes	Yes	Yes Yes Yes			No		
Cost of Certification	\$805	\$800	\$800 \$120 \$235 - \$385 based on net worth/equity of business			\$654.50		
Application Administrative Fee	No	\$250 Guaranty Fund Administrative Fee			\$6	No		No
Renewal Fee	\$805	\$400: 10 or fewer permits per year; \$805 \$800: 11-74 permits per year; \$1,200: 75 or more permits per year		Unclear		Unclear		
Reciprocal or Transfer Certification	No	No			No	N/A		Unclear
Application Requirements	References from material suppliers, reference from bank, proof of liability and worker's compensation insurance, description of building experience, copies of relevant trade licenses, disclosure of related legal proceedings, building code violations, bankruptcy and complaints.	Insurance carrier information, disclosure of licenses in other jurisdictions, disclosure of related legal proceedings or bankruptcy, disclosure of some financial procedures, surety bond or letter of credit.			Credit history from construction supplier, credit history from bank, liability insurance, proof of enrollment in new home warranty security plan, proof of registration with MD Attorney General, resume with experience, current financial statement.	Required exam, financial statement or audit or surety bond, government-issued photo ID, completion of prelicense education course, experience verification.		Disclosure of licenses in other jurisdictions, disclosure of disciplinary actions, credit report, certificate of liability insurance, certificate of occupancy, corporate registration, tax registration, two sample contracts and receipts.
Certification Period	2 years	2 years			1 year	2 years		2 years
Continuing Education	No	No			No	No		No
Other						Class A, B, and C licenses issued based on net worth/equity of business.		Class A, B, C, D, and E licenses that set limits on the maximum value of projects the licensee can undertake.

### 3.5 Accountant



Licensing laws and fees for accountants across selected jurisdictions.

	MONTGOMERY	COMPARISON JURISDIC	TIONS									
	COUNTY	MARYLAND						VIRGINIA			WASHINGTON	
	COUNT	Sto	ate	Frederick	Howard	Prince G	George's	St	ate	Fairfax	District of	Columbia
Regulated	✓	✓	✓	✓	✓	,	✓	✓	✓	✓	✓	✓
Applicable Code	State Law Applies	MD Code Ann., Business Occupations and Professions, Sec. 2-101 et seq; COMAR 09.24	MD Code Ann., Business Occupations and Professions, Sec. 2-401 et seq; COMAR 09.24.0104		State Law A	Applies		Virginia Code Title 54.1, Chapter 54.1, Professions and Occupations, Chapter 44, Public Accountants	Virginia Code Title 54.1, Chapter 54.1, Professions and Occupations, Chapter 44, Public Accountants	State Law Applies	DC Municipal Regulations, Business, Occupations, and Professionals, Chapter 17-25	DC Municipal Regulations, Business Occupations, and Professionals, Chapter 17-25
Occupation or Business Regulated?		Certified Public Accountant	CPA Firm					Certified Public Accountant	CPA Firm		Certified Public Accountant	CPA Firm
Occupation or Business License?		Occupation	Business					Occupation	Business		Occupation	Business
Administering Department		MD Department of Labor, Board of Public Accountancy	MD Department of Labor, Board of Public Accountancy					Virginia Board of Accountancy	Virginia Board of Accountancy		DC Department of Consumer and Regulatory Affairs, Board of Accountancy	DC Department of Consumer and Regulatory Affairs, Board of Accountancy
Description of Requirements		An individual must be licensed by the Board of Public Accountancy (of MD or another state) to practice certified public accountancy in Maryland.	CPA firms that provide certified public accountancy services to MD clients must obtain a permit from the MD Board of Public Accountancy.					To use the CPA title, an individual must hold a CPA license in VA if providing services to the public and the principle place of business where services are provided is in VA. Alternatively, an individual must be licensed in a substantially equivalent state or jurisdiction.	Any firm providing attest, compilation, or financial statement preparation services to persons or entities in VA must hold a VA firm CPA license if VA is the principal place of business.		The Board of Accountancy regulates the licenses of professional accountants.	A business practicing public accountancy in the District of Columbia must obtain a permit from the Board of Accountancy.

### 3.5 Accountant Cont'd - Selected Requirements



	MONTOOMERY	COMPARISON JURISDIC	TIONS								
	MONTGOMERY COUNTY	MARYLAND					VIRGINIA			WASHINGTON	
	COUNT	St	ate	Frederick Howard Prince Georg's		State Fairfax		Fairfax	District of Columbia		
Applies to Business or Occupation License		Occupation	Business				Occupation	Business		Occupation	Business
Exam Required		Yes	No				Yes	No		Yes	No
Prior License or Training Required		Yes	Yes				Yes	Yes		Yes	Yes
Cost of Certification		\$856 (\$834 exam fees + \$22 license fee)	\$67				\$915 (\$840 exam fee= +, \$75 license fee)	\$100		\$853 (\$743 exam fees + \$110 license fee)	Unclear
Application Administrative Fee		\$67 exam application fee	\$67				\$120 exam application fee	Unclear		\$175 exam application fee	Unclear
Renewal Fee		\$56	\$135				\$60	\$75		\$110	Unclear
Reciprocal or Transfer Certification		Yes	N/A				Yes	N/A		Yes	N/A
Applicant Requirements		Sufficient undergraduate college requirements, pass CPA exam (or transfer exam results from another state, file reciprocal application, pass International Qualification Examination if from Australia, Canada, Ireland, Mexico, or NZ); 2,000 of practical work experience, complete an ethics course.	Federal Employer ID form, good standing with SDAT, verification of CPA firm permit status from board of accountancy where firm is headquartered, MD shareholder form, business formation documents.				Sufficient undergraduate college requirements, pass CPA exam (or transfer exam results from another state, file reciprocal application, pass International Qualification Examination if from Australia, Canada, Ireland, Mexico, NZ, Hong Kong, and Scotland); 2,080 of practical work experience, complete an ethics course.	At least 51% of firm owners must be CPAs or trustees of an eligible employee stock ownership plan, supervisor of firm personnel must have a VA CPA license or license from a substantially equivalent state, established policies and procedures regarding firm employee competencies, enrollment in a monitoring program, business formation documents.		Sufficient undergraduate college requirements, pass CPA exam (or file reciprocal application, pass International Qualification Examination); 2,000 of practical work experience, passport style photo, government-issued ID.	Firm is authorized to operate in DC, each firm office is under the direct supervision of at least one partner or resident manager, business owners are licensed CPAs.
Certification Period		2 years	2 years				1 year	1 year		2 years	2 years
Continuing Education		80 hours each license period	Unclear				120 hours/3 years	Unclear		80 hours each license period	Unclear

### SECTION 03 SOURCES: BUSINESS LICENSES (as of January 2020)

Table	Websites
3.1 Business Formation	See Code Citations in Table.
3.2 Food Service Facilities	https://www.montgomerycountymd.gov/Biz-Resources/restaurant-kit.html; https://montgomerycountymd.gov/cct/business-license.html; https://www.courts.state.md.us/clerks/howard/business; http://www.bos.virginia.gov/starting.shtml; http://www.cityapplications.com/business-licenses/VA-Virginia/biz-Virginia.html; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/publications/startup-guide-ffx-co-restaurant.pdf; https://www.fairfaxcounty.gov/taxes/business/frequently-asked-questions; https://dcra.dc.gov/node/1429586
3.3 Plumber	https://montgomerycountymd.gov/cct/business-license.html; https://www.wsscwater.com/businessconstruction/regulatorylicensing-services/licensing-information.html#q1; https://onestop.md.gov/licenses/master-plumber-gas-fitter-license-5d1540a254f24d03e9997d59; https://www.wsscwater.com/businessconstruction/regulatorylicensing-services/licensing-information.html#q1; https://www.frederickcountymd.gov/1652/Licenses; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Licenses-and-Permits/Utility-Contractor-Registration; http://www.dpor.virginia.gov/Boards/Tradesmen/; http://www.dpor.virginia.gov/Boards/Contractors/; https://dcra.dc.gov/node/1408686; https://dcra.dc.gov/node/1411971
3.4 Home Builder	https://www.montgomerycountymd.gov/OCP/licensing/builder_main.html; http://www.marylandattorneygeneral.gov/Pages/CPD/Homebuilder/default.aspx; https://www.princegeorgescountymd.gov/DocumentCenter/View/4302/Building-Contractors-License-PDF; http://www.dpor.virginia.gov/Boards/Contractors/; https://dcra.dc.gov/page/general-contractorconstruction-manager
3.5 Accountant	https://www.dllr.state.md.us/license/cpa/; http://www.boa.virginia.gov/index.shtml; http://www.boa.virginia.gov/Firms/index.shtml; https://www.dcopla.com/accountancy/

NOTE: Blank cells indicate that no information was readily available in statutes, on websites, on forms/applications, etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.



# **BUILDING CODES**

4.1	Int'l Building & Existing Building Codes
4.2	Special Exceptions/Conditional Use
4.3	Tree Canopy Law
4.4	Roadside Tree Protection Law
4.5	Accessibility

1.6	Int'l Energy Conservation Code
1.7	Int'l Green Construction Code
1.8	Int'l Mechanical Code
1.9	Int'l Plumbing Code
1.10	Nat'l Flectrical Code

4.11	Nat'l Fuel Gas Code
4.12	NFPA* 1 & 101 (Life Safety)
4.13	NFPA 13, 13D, & 13R (Sprinkler System)
4.14	NFPA 72 (Fire Alarm)

4.15 Use & Occupancy

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### 4.1 International Building & Existing Building Codes



Model building code developed by the International Code Council (ICC) to protect public health and safety while avoiding both unnecessary costs and preferential treatment of specific materials or methods of construction.

		COMPARISON JURISDICT	IONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code - International Building Code	International Building Code 2015	International Building Code 2018*	International Building Code 2015	International Building Code 2018	International Building Code 2015	Virginia Construction Code 2015 (Part I of Virginia Unified Statewide Building Code, Based on ICC)	Virginia Construction Code 2015 (Part I of Virginia Unified Statewide Building Code, Based on ICC)	International Building Code 2012 and District of Columbio Building Code 2013
Applicable Code - International Existing Building Code	International Existing Building Code (IEBC) 2015 as the Maryland Building Rehabilitation Code	International Existing Building Code (IEBC) 2015 as the Maryland Building Rehabilitation Code	International Existing Building Code (IEBC) 2015 as the Maryland Building Rehabilitation Code	International Existing Building Code (IEBC) 2015 as the Maryland Building Rehabilitation Code	International Existing Building Code 2015	Virginia Existing Building Code 2015 (Part II of Virginia Unified Statewide Building Code, Based on ICC)	Virginia Existing Building Code 2015 (Part II of Virginia Unified Statewide Building Code, Based on ICC)	District of Columbia Existing Building Code 2013 (2012 edition of the International Existing Building Code) as amended by the District of Columbia Construction Codes Supplement of 2013 (12 DCMR J, Existing Building Code Supplement)
Enforcing Department/ Standards	Department of Permitting Services reviews, approves, issues, and inspects plans to ensure code compliance. Applications may require approval from other County agencies.	Maryland Building Performance Standards (MBPS) requires each jurisdiction in Maryland to use the same edition of the building codes, modified to coincide with other Maryland laws. Each local jurisdiction in Maryland may modify these codes to suit local conditions.	Department of Permits and Inspections provides permitting, inspection and code enforcement services, including the issuing of Zoning Certificates, Building Permits, Electrical and Plumbing Permits, Gaming Permits and other related permits in Frederick County. Applications are sent to the appropriate agencies for approval before being issued. The Department is also the centralized location for the collection of many fees for non-building permits and impact fees.	Department of Inspections, Licenses and Permits is the clearinghouse for processing licenses and permits, reviewing construction documents, and inspecting buildings and structures for code compliance.	Department of Permitting, Inspections and Enforcement (DPIE) provides a "one-stop shop" for permit processing, plan review, construction inspections, property code enforcement, and business licensing. Once submitted, the permit application is reviewed by the applicable County, State or other appropriate agencies for approval, as required.	Administered by the Virginia Department of Housing and Community Development, the Virginia Building Code contains the building regulations that must be complied with when constructing a new building, structure, or an addition to an existing building along with maintaining or repairing an existing building or renovating or changing the use of a building or structure. All counties in Virginia must comply with this code.	Land Development Services (LDS) enforces the Virginia Statewide Building Code, County Ordinances, and Public Facilities Manual. LDS reviews all site, subdivision and building plans; issues all applicable site and building permits; and conducts all required inspections of new structures and alterations to existing ones.	Department of Consumer and Regulatory Affairs is responsible for issuing licenses and permits, conducting inspections, enforcing building, housing, and safety codes, regulating land use and development, and providing consumer education and advocacy services.

<sup>\*</sup>The State of Maryland has adopted the 2018 Maryland Building Performance Standards - Counties have until March 25, 2020 to adopt any amendments.

### 4.1 International Building & Existing Building Codes Cont'd – Selected Requirements



	MONTGOMERY	COMPARISON	N JURISDICTIONS					
	COUNTY**	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Filing Fee	50% of permit fee or \$724.60, whichever is greater		\$27	\$200	\$55 - Up to 50% of the Estimated Cost of the Permit, whichever is higher		35% of Permit Fee	50% of Assessed Permit Fee Not to Exceed \$20,000
New Construction or Addition	0-500,000 SF: \$1.286985 per SF 500,001> SF: \$1.286985 per SF for first 500,000SF + \$0.6489 per SF	\$1.286985 per SF 00,001> SF: \$1.286985 or SF for first 500,000SF + \$0.22 per SF 2,501 to 5,000 SF: \$1,100 Over 5,000: Each additional 2,500 DF is		\$50 + (SF x Building Valuation Data x 0.008) + Grading Fee + \$210 U&O + \$5 M-NCPPC  \$0.169 - \$0.216 per SF depending upon construction type		New Construction: \$0.03 Per Cubic Foot Alteration/Repair: Construction Valued Less than \$500: \$33 Construction Valued Between \$501-\$1,000: \$65 Construction Valued Between \$1,001 and \$1m: \$10,030 + 1% of Total Construction Cost Construction Valued over \$1m: \$1,300 + 0.0065% of Construction Value over \$1m		
Fee Includes	Permit Fee includes inspection		Permit Fee includes up to 4 inspections	Permit Fee includes up to 2 inspections	Permit Fee includes up to 2 inspections per inspection type		Some fees include inspection	Unclear
Other Available	Applications may be submitted online or in person.		Currently implementing a new Land Management Software system that will be used to process all building permits, trade licenses and permits, site plans and other land development applications and to accept, process and review all applications and ePlans electronically.	10% technology fee collected on all permits.	Building Permit applications are to be completed online.		4% technology surcharge on fees for building and site- related transactions .	Average days to issue for reviewed permits for FY19 is 78 days.
Other Available Information	Generally, review comments are provided by DPS within 30 calendar days for properly submitted plans.		Plan review timeframe goal is two weeks for new construction less than 5.000 sf. or three	Automated dial-up system provides 24-hour telephone access to inspection and permit information	are to be completed offline.		Application can be online for some permits.	Must submit application online.
			weeks for 5,000 sf or more.	E-mail procedure for sending documents, certifications and wall check surveys established.			Can enter Permit Office queue remotely.	According to DCRA, 57% of building permits require reviews from more than one agency in 2016.

<sup>\*</sup>The State of Maryland has adopted the 2018 Maryland Building Performance Standards - counties have until March 25, 2020 to adopt any amendments.

<sup>\*\*</sup> Department of Permitting Services in Montgomery County is an enterprise fund.

### 4.1 International Building & Existing Building Codes Cont'd



#### SIGNIFICANT CHANGES TO 2018 INTERNATIONAL BUILDING CODE

- International Building Code Book Cover Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.
- New code sections have been introduced addressing medical gas systems and higher education laboratories.
- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.
- The occupant load factor for business uses has been revised to one occupant per 150 square feet.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.
- The minimum lateral load that fire walls are required to resist is five pounds per square foot.
- Wind speed maps updated, including maps for the state of Hawaii. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
- Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.

### 4.2 Special Exceptions/Conditional Use - Maryland



A conditional use permit/special exception is the grant of a specific zoning use that is not permitted without restriction in the zone where it is located.

	MONTGOMERY COUNTY	Comparison MARYLAND	Jurisdictions		
	MONIOSIMENT COOM!	State	Frederick	Howard	Prince George's
Law	✓	No	✓	✓	<b>✓</b>
Applicable Code	Montgomery County Zoning Ordinance Chapter 59-7		Frederick County Code of Ordinances § 1-19- 3.210. Special Exceptions	Howard County Zoning Regulations Section 131.0 Conditional Uses	Prince George's Code of Ordinances Subtitle 27 Zoning
Description of Requirements	Processed by the Office of Zoning and Administrative Hearings after being reviewed and certified for completeness by the Montgomery County Planning Department. The decisions in all conditional use cases will be made by after a hearing. If the use is granted, applicants apply for necessary permits from the Department of Permitting Services (DPS) with a copy of the Hearing Examiner Report granting the conditional use. DPS is responsible for the inspection and enforcement of the conditional use. If a building permit is not needed to implement the conditional use, DPS will inspect for compliance of conditions. Conditional Use does not expire - if ownership of the land changes, a transfer of the grant must occur. The filing fee for conditional use is dependent upon use request but generally for commercial/residential zones and employment zones, it is around \$8,000.		Applicants must submit a written application to the Division of Planning & Permitting. The application is then submitted to the Board of Appeals who will review it based on the general and specific requirements of the Zoning Ordinance, followed by a public hearing. After the Board of Appeals approval, the application must receive site plan approval from the Planning Commission. Granted special exceptions are voided 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. The cost of a special exception for "All Other Uses" is \$889 (special exception fees defined include agricultural, flood plain/danger zone, and accessory dwelling units).	Applicants must apply for conditional use (also known as petition forms) through the Department of Planning and Zoning (DPZ). These applications are officially requests to the Howard County Hearing Examiner or the Howard County Board of Appeals, as applicable, but DPZ processes and provides its evaluations on the applications. All applicants must hold a Pre-submission Community Meeting prior to submitting the application. After a Conditional Use application has been officially accepted, it is forwarded to the Hearing Examiner for a public hearing. Prior to the public hearing, DPZ prepares a Technical Staff Report, which evaluates the Conditional Use request on the basis of the information provided in the application materials. After the public hearing, the Hearing Examiner makes the decision to approve or deny a Conditional Use petition. If the petition is approved, the Conditional Use plan will be made a part of the Decision and Order, subject to modifications and conditions required by the Hearing Authority. An approved Conditional Use becomes void unless a building permit conforming to the Conditional Use plan is obtained within two years, and substantial construction is completed within three years from the date of the decision, or, any Conditional Use for which a building permit is not necessary must commence operations within two years. The application fee for conditional use is \$500.	Applicants submit application to the Planning Department and if referrals are necessary, the application is forwarded to the Historic Preservation Commission and municipalities. The Planning Department analyzes the request and prepares a technical staff report recommending approval, approval with conditions, or denial. The file is transmitted to Zoning Hearing Examine (ZHE) and the Planning Board may vote to hold a public hearing, but a hearing is not mandatory. The case then may be scheduled for Planning Board review, including sending mailings to adjoining property owners, Civic Associations and Municipalities and any persons of record. The public hearing is held and ZHE prepares a written decision setting forth a recommendation. The District Council may decide to review, or an appeal may be filed within 30 days of ZHE decision. Final Decisions are filed with the Planning Department. Once approved, the property must be developed in accordance with the approved site plan. The fees for special exceptions are dependent upon a County rating system: (a.) Low fee rating is \$2,500 plus \$50 per acre for each acre over 50; (b.) medium fee rating is \$4,000 plus \$50 per acre for each acre over 50.

### 4.2 Special Exceptions/Conditional Use Cont'd - Virginia & DC



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A conditional use permit/special exception is the grant of a specific zoning use that is not permitted without restriction in the zone where it is located.

		COMPARISO	N JURISDICTIONS	
	MONTGOMERY COUNTY	VIRGINIA		WASHINGTON
		State	Fairfax	District of Columbia
Law	✓	No	✓	✓
Applicable Code	Montgomery County Zoning Ordinance Chapter 59-7		Fairfax County Zoning Ordinance Article 8 Special Permits	District of Columbia Municipal Regulations Title 11 Zoning
Description of Requirements	Processed by the Office of Zoning and Administrative Hearings after being reviewed and certified for completeness by the Montgomery County Planning Department. The decisions in all conditional use cases will be made by after a hearing. If the use is granted, applicants apply for necessary permits from the Department of Permitting Services (DPS) with a copy of the Hearing Examiner Report granting the conditional use. DPS is responsible for the inspection and enforcement of the conditional use. If a building permit is not needed to implement the conditional use, DPS will inspect for compliance of conditions. Conditional Use does not expire - if ownership of the land changes, a transfer of the grant must occur. The filing fee for conditional use is dependent upon use request but generally for commercial/residential zones and employment zones, it is around \$8,000.		The process of seeking a rezoning, special exception, special permit or variance from Fairfax County consists of a detailed review and analysis of the proposal by County staff, the Fairfax County Planning Commission, and the Fairfax County Board of Supervisors, and/or the Board of Zoning Appeals (BZA). All requests to change the existing zoning designation of a parcel require the submission of a rezoning application by mail or in person to the Zoning Evaluation Division. Each rezoning application is reviewed by staff according to Comprehensive Plan guidance, for compliance with the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. Additionally, rezoning applicants typically submit specific commitments in writing known as "proffers" in accordance with applicable authority in the Virginia Code. Proffers are voluntary and may change during the review of the rezoning application. The Staff Coordinator evaluates the application as a whole and prepares a staff report describing the application, anticipated impacts of the development, and, when applicable, the proposed means of addressing those impacts. A recommendation of approval or denial of the application is made, followed by a public hearing before the Planning Commission and the Board of Supervisors. If approved, rezoning runs with the land and does not expire unless a subsequent rezoning is approved. The filing fee is dependent upon use request but generally for commercial/residential zones, it is around \$28,000.	Applicants must apply online for a special exception through the Office of Zoning, which sends copies of the application to at least two other government bodies: the Office of Planning and the Advisory Neighborhood Commission where the property is located. The Office of Planning is charged with ensuring that a proposed project conforms to the District's Comprehensive Plan and public policy and the local Advisory Neighborhood Commission will receive copies of the application so that it may evaluate the application and offer input about whether the application should be approved. Prior to seeking a special exception, the property owner must have either have previously sought a building permit or certificate of occupancy which the Office of the Zoning Administrator denied and referred the owner to the Board of Zoning Adjustment or, submit a zoning self-certification form if the owner already knows that he or she will need relief from the Zoning Regulations. The Board of Zoning Adjustment is the body which will make the final determination on the variance or special exception after a public hearing, with input from the Office of Planning and the Advisory Neighborhood Commission. Special exceptions run with the land; once a special exception is approved by the Board of Zoning Adjustment, subsequent owners of the land may also use the property for that purpose or in the same way. Application fees vary depending on the type of zoning relief sought and the individual fees; most standard special exceptions are \$1,560.

### 4.3 Tree Canopy Law



Requires property owners to plant new shade trees during development to offset the impacts of development on the natural environment.

	MONTGOMERY COUNTY	COMPARISON JURISDICTIONS						
		MARYLAND				VIRGINIA	WASHINGTON	
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	<b>√</b>	✓	✓	✓	✓	<b>√</b>	✓
Applicable Code	Montgomery County Code Chapter 55, Tree Canopy	Code of Maryland Regulations, Natural Resources Article 5-1601 - 1613, Forest Conservation Act	State Law Applies		Prince George's County Tree Canopy Ordinance, Code of Ordinances Subtitle 25. Trees and Vegetation Division 3. Tree Canopy	Virginia Code § 15.2-961. (Replacement of trees during development process in certain localities)	Tree Conservation Ordinance Chapter 122, Fairfax County Code Section 12 Tree Conservation Ordinance and Fairfax County Public Facilities Manual	D.C. Law 21-133. Tree Canopy Protection Amendment Act of 2016 and DC Code Chapter 6B. Urban Forest Preservation
Description of Requirements	Applies to development activity subject to a sediment control permit from Montgomery County. Program requires mitigation in the form of planting shade trees on the site where the disturbance occurs or pay fees into the Tree Canopy Conservation Account, which is currently is \$250 per tree.	Requires developers to replant trees so that there is a minimum amount of forest cover on development sites, based on the site's zoning. Required for any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000 square feet (approximately 1 acre) or greater. The law requires a Forest Stand Delineation and a Forest Conservation Plan prepared by a licensed forester, licensed landscape architect, or other qualified professional.			Requires the preservation, maintenance, enhancement, and restoration of tree canopy coverage on developed and developing sites for building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Tree canopy coverage requirements are based on the gross tract area and ranges from 10-20%, based on zone. A Tree Conservation Plan (TCP) is also required for all land development proposals. An applicant may request a full or partial waiver from the requirements.	Allows for any locality with a population density of at least 75 persons per square mile or any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the development process. The ordinance shall require that the site plan include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance ranging from 10-20%, based on zone.	Requires that all land development requiring the submission of a site plan, preliminary subdivision plat, subdivision construction plan, conservation plan, grading plan, or a rough grading plan shall provide for the conservation of trees on the site such that, after ten years, minimum tree canopy ranging from 10-30% (depending on zoning) exists on the site. Requires the submission of a Tree Conservation Plan and provisions related to monitoring, inspections and violations. Violations shall be punishable by a fine of not less than \$10 and not more than \$1,000.	Law states it is illegal to "top, cut down, remove, girdle, break, or destroy" any Heritage (circumference of 100 inches or more) or Special Tree (circumference between 44 inches and 99.9 inches) without a permit. For heritage trees, an applicant must identify plans to relocate the tree to be removed to a new location (or a fine of at least \$300 per inch of circumference of the tree). An applicant for a removal permit for a Special Tree has the option of paying into the Tree Fund \$55 per inch of circumference of the tree.

Section 04

#### 4.4 Roadside Tree Protection Law



Roadside Tree Protection Law and its regulations were developed to protect roadside trees by ensuring their proper care and protection and to ensure their compatibility with the public utility system.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	<b>✓</b>	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Executive Regulations 23-13 Streets and Roads- Roadside Trees Protection – Building Permits & 24-13 Streets and Roads- Roadside Trees Protection – Sediment Control Permits & 25- 13 Streets and Roads- Roadside Trees Protection – Right-Of-Way Permits	Natural Resources Article §§5-401 to 5-423, Annotated Code of Maryland Title 08 Department of Natural Resources Subtitle 07 Forests and Parks Chapter 02 Roadside Tree Care	State Lav	/ Applies	Prince George's County Code of Ordinances Sec. 25-105 Prohibited acts relating to roadside trees	Virginia Code Sec. 10.1-1127.1. Tree conservation ordinance; civil penalties	Fairfax County Code Chapter 120 - Heritage Specimen Memorial and Street Tree Ordinance	District of Columbia Municipal Regulations Title 24. Public Space and Safety
Description of Requirements	Requires residents who plan to plant, prune, disturb, or remove street trees to obtain permits from the County and State and replace the trees. The law ensures that replacement of Right-Of-Way trees is now carried out at a ratio of 3:1. One tree is planted, and a \$500 fee is paid to Department of Permitting Services for them to plant two other trees for each tree removed.	A roadside tree is any tree whose trunk grows all or in part within a public road right-of-way, regardless of ownership of the physical property. Before a roadside tree is trimmed or cared for in any way, a Tree Care Permit must be obtained from the Department of Natural Resources Forest Service and require replanting. If Forest Service supervision of the proposed tree care is required for a permit, the fee for issuing the permit and for supervising work authorized by the permit, is: (a) \$2,500 per year per tree care crew, or (b) \$250 per month per tree care crew.			No person shall do or cause to be done by others any of the following acts to any roadside tree, without the permission of the Department of Public Works and the State Department of Forests and Parks: plant, care, and maintain; cut, prune, mutilate, or in any manner injure; or cut, disturb, or interfere in any way with any roots. A permit in accordance with the Maryland Roadside Tree Care Law is required.	Allows for the governing body of any county, city or town to adopt a tree conservation ordinance regulating the preservation and removal of heritage, specimen, memorial, and street trees. "Street tree" means any tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.	All trees designated for preservation through the provisions of Chapter 120 of the Code must be protected during construction. No construction activities is allowed within the critical root zones of these trees.	Requires a Public Space Construction/Excavation Permit to plant, prune, remove and replace any tree located between the curb and sidewalk or any tree located within the public space right-of-way distribution if no sidewalk exists. Applicants must submit a permit request through the Transportation Online Permitting System or go to the Public Space Permit Office. Planting is not an option to compensate for healthy street tree removals; there is a fee of \$200 per inch diameter (select Tree Removal).

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## 4.5 Accessibility



Establishes minimum requirements that provide for the accessibility and usability of buildings and facilities by individuals with disabilities.

		COMPARISON JURISD	CTIONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Maryland Accessibility Code Guidelines for Buildings and Facilities (COMAR 9.12.53) (2010 ADA Standards) & COMCOR 08.00.02 Adoption of the 2015 International Building, Energy Conservation, Mechanical, Fuel-Gas, Residential, and the Swimming Pool and Spa Codes, and the 2012 International Existing Building Code	Maryland Accessibility Code Guidelines for Buildings and Facilities (COMAR 9.12.53) (2010 ADA Standards)	2015 International Building Code, Chapter 11; except where the provisions of the Maryland Accessibility Code, January 1, 2012, COMAR Section 05.02.02, are more stringent in which case they would apply. Frederick County Code § 1-6-18A. Local Amendments to International Building Code	Maryland Accessibility Code Guidelines for Buildings and Facilities (COMAR 9.12.53) (2010 ADA Standards) & Howard County Code Sec. 3.100 Howard County Building Code; Adoption of International Codes	Maryland Accessibility Code Guidelines for Buildings and Facilities (COMAR 9.12.53) (2010 ADA Standards) & Prince George's County Code Subtitle 4, Sec. 4-180 Chapter 11 - Accessibility	2009 Accessible and Usable Buildings and Facilities (International Code Council/American National Standards Institute A117.1) & 2010 Americans with Disabilities Act Standards & 2015 Virginia Construction Code, Chapter 11 Accessibility	State Law Applies	DC Building Code 2013 Chapter 11 Accessibility, Adopted from International Building Code

#### 4.6 International Energy Conservation Code



Regulations for the optimal utilization of fossil fuel and nondepletable resources.

		Comparison Jurisdictions										
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON						
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia				
Law	✓	✓	✓	✓	✓	✓	✓	✓				
Applicable Code	2015 International Energy Conservation Code	2015 International Energy Conservation Code	2015 International Energy Conservation Code	2018 International Energy Conservation Code	2015 International Energy Conservation Code	2015 Virginia Energy Conservation Code (2015 IECC with Amendments)	2015 Virginia Energy Conservation Code (2015 IECC with Amendments)	2013 DC Energy Conservation Code (Based on 2012 ICC Energy Conservation Code)				

#### KEY DIFFERENCES BETWEEN 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND 2018 IECC

- Revisions to interior and exterior lighting power budgets and better clarity for lighting controls.
- Clarity that regardless of design methodology, system commissioning is required.
- New limits on heated or cooled vestibules.
- Mechanical provisions reorganized based on equipment type rather than design methodology.
- The maximum allowable fenestration U-factors in Table R402.1.2 (for the prescriptive compliance path) for climates zones 3 through 8 have been reduced from the values in the 2015 edition.
- The ICC/RESNET 380 standard has been included as one of standards that can be used for determining the air leakage rate of a building or dwelling unit.
- The Energy Rating Index compliance alternative index values have been increased slightly however, the method for determining an index is now required to be in accordance with standard ICC/RESNET 301.

#### KEY DIFFERENCES BETWEEN 2012 IECC AND 2015 IECC

- Introduction of the Energy Rating Index.
- Increased commissioning to help improve code compliance.
- New equipment requirements on minimum efficiency air-conditioners and condensing units serving computer rooms, improved energy recovery ventilation systems, and specifications for motorized dampers to better control outdoor air intakes, exhaust openings, stairway and shaft vents.
- Defined standard for blower door testing.
- New language that provides unambiguous direction on how the energy code provisions apply to roof repair, roof recover and roof replacement.
- Removal of the restriction limiting the podium or pedestal portion of the building to one story.

#### 4.7 International Green Construction Code



Provides minimum requirements intended to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	No	No	No	No	No	✓
Applicable Code	International Green Construction Code 2012	International Green Construction Code 2012 (Voluntary For Counties to Adopt)						District of Colulmbia Green Construction Code 2013
Other Information								Green Building Fee for New Construction (\$0.002 per SF); Alterations/Additions (Construction Valued \$1,001-\$1m: 0.13% of construction value or Construction Valued over \$1m: \$1,300 + 0.0065% of construction value over \$1m).

#### 4.8 International Mechanical Code



Standards for the safety of heating, ventilation, and air conditioning systems; published by the International Code Council.

		COMPARISON JURISDIC	TIONS					
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON		
		State Frederick Ho		Howard	Prince George's State		Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	2015 International Mechanical Code (IMC) and Montgomery County Code Chapter 8 (Mechanical)	2018 International Mechanical Code with Heating Ventilation Air Conditioning and Refrigeration (HVACR) amendments	2015 International Mechanical Code	2018 International Mechanical Code	2015 International Mechanical Code	2015 Virginia Mechanical Code (2015 IMC with amendments)	2015 Virginia Mechanical Code (2015 IMC with amendments)	2013 DC Mechanical Code and 2012 ICC Mechanical Code

#### KEY DIFFERENCES BETWEEN 2015 AND 2018 International Mechanical Code (IMC)

- Added coverage of pollution control units.
- A new exception was added to recognize Type I kitchen hoods listed for clearances to combustibles of less than 18 inches.
- Added coverage for a newer type of non-metallic duct, phenolic duct.
- New coverage for high volume large diameter fans (HVLD), also referred to as high volume low speed (HVLS) fans
- Relaxed requirements for sealing of duct joints and seams for Snap- and Button-lock duct joints located within the thermal envelope.

#### **KEY DIFFERENCES BETWEEN 2012 AND 2015 IMC**

- An annual permit for mechanical repairs can be issued to a person, firm or corporation to perform mechanical work on individual mechanical system or equipment that has already been approved when they employ a qualified tradesperson.
- Increase Ventilation requirements for R-2 occupancies three stories or less in height have been completely revised to include requirements for inclusion of mechanical exhaust and supply for each dwelling unit.

#### 4.9 International Plumbing Code



Sets minimum regulations for plumbing systems and components to protect life, health, and safety of building occupants and the public; published by the International Code Council.

		COMPARISON JURISDICTIONS  MARYLAND  VIRGINIA  WASHINGTON								
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON				
		State	Frederick	Howard	Howard Prince George's		Fairfax*	District of Columbia		
Law	✓	✓	✓	✓	✓	✓	✓	✓		
Applicable Code	2018 International Plumbing Code (IPC) and 2018 WSSC Plumbing and Fuel Gas Code		2015 International Plumbing Code with Amendments	2018 International Plumbing Code and Plumbing and Gasfitting Code for Howard County Sec. 3.302	2018 International Plumbing Code and 2018 WSSC Plumbing and Fuel Gas Code	2015 Virginia Plumbing Code (2015 IPC with Amendments)	2015 Virginia Plumbing Code (2015 IPC with Amendments)	2012 International Plumbing Code and 2013 DC Plumbing Code		

#### KEY DIFFERENCES BETWEEN 2015 INTERNATIONAL PLUMBING CODE (IPC) AND 2018 IPC

- Updated table for the Minimum Number of Required Plumbing Fixtures.
- Single-user toilet facilities (a room having a single water closet and a single lavatory) are not required to be labeled for use by only a male or female (separated use designations).
- Solar thermal water heating systems need to conform to the ICC 900/SRCC 300 standard.
- Well systems are required to comply with standard NGWA-01 where local requirements do not cover subject matter or are lacking in detail on others.

#### **KEY DIFFERENCES BETWEEN 2012 IPC AND 2015 IPC**

• An annual permit for plumbing repairs can be issued to a person, firm or corporation to perform plumbing work on individual plumbing items that have already been approved when they employ a qualified tradesperson.

#### 4.10 National Electrical Code



Standard for the safe installation of electrical wiring and equipment in the United States; part of the National Fire Code series published by the National Fire Protection Association (NFPA 70).

		COMPARISON JURISDICTIONS									
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON					
		State	Frederick	Howard	Prince George's State Fairfax*		Fairfax*	District of Columbia			
Law	✓	✓	✓	✓	✓	✓	✓	✓			
Applicable Code	2017 National Electrical Code	2014 National Electrical Code	2014 National Electrical Code	2017 National Electrical Code with Local Amendments	2014 National Electrical Code and Subtitle 9 Prince George's County Electrical Code	2014 National Electrical Code	2014 National Electrical Code	2011 National Electrical Code			

#### KEY DIFFERENCES BETWEEN 2014 AND 2017 NATIONAL ELECTRICAL CODE

- New rules for who may list electrical equipment.
- Appliance Ground-Fault Circuit Interrupters (GFCI) requirements were clarified and added. The Arc-Fault Circuit Interrupters (AFCI) requirements expanded. New rules require receptacle outlets for meeting rooms in commercial occupancies.
- Changes to the rules for establishing conductor ampacities, including requirements for cable bundling, rooftop temperature correction, and dwelling service conductor sizing.
- Rules for sufficient conductor space within cabinets have been revised to deal with power monitoring equipment.
- New rule requires electronic switch manufacturers to use a neutral for return current, not the equipment grounding conductor.
- The equipment that might require maintenance is no longer limited to just batteries.

#### KEY DIFFERENCES BETWEEN 2011 AND 2014 NATIONAL ELECTRICAL CODE

- Clarifies that selective coordination includes all currents from overloads to short circuits. It also clearly notes the design must be made by an engineer or similarly qualified person.
- Includes guidelines on how to properly create and affix hazard labels in the field.
- Requirements for GFCI protection have been expanded in residential, commercial and industrial locations.
- Extensive revisions to the rule that requires building disconnects to be suitable for use as service equipment.
- Requirement has been added specifying the location of a disconnect for electric signs and outline lighting systems.

#### 4.11 National Fuel Gas Code



Provides minimum safety requirements for the design and installation of fuel gas piping systems in homes and other buildings, published as NFPA 54.

		COMPARISON JURISDICTIONS  MARYLAND  VIRGINIA  WASHINGTON									
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON					
		State	Frederick	Howard	Prince George's	State	Fairfax*	District of Columbia			
Law	✓	✓	✓	✓	✓	✓	✓	✓			
Applicable Code	2018 International Fuel Gas Code and 2018 WSSC Plumbing & Fuel Gas Code	2015 National Fuel Gas Code	2015 International Fuel Gas Code	2018 National Fuel Gas Code and Plumbing and Gas Fitting Code for Howard County Sec. 3.302	2018 International Fuel Gas Code and 2018 WSSC Plumbing and Fuel Gas Code	2015 Virginia Fuel Gas Code (IFGC 2015)	2015 Virginia Fuel Gas Code (IFGC 2015)	2012 ICC Fuel Gas Code			

#### KEY DIFFERENCES BETWEEN 2015 International Plumbing Code (IPC) AND 2018 IPC

- A new Section was added to recognize arc-resistant CSST products.
- The code now allows Schedule 10 steel pipe to be used, whereas previously, Schedule 40 was the lightest steel pipe material allowed. Schedule 10 steel pipe joints are allowed to be welded, brazed, flanged or assembled with press-connect fittings. Schedule 10 pipe cannot be threaded.
- The code clarifies that appliance shutoff valves located behind movable appliances, such as ranges and clothes dryers, are considered to be provided with the required access.
- The code now calls for the plastic vent pipe material to be labeled as complying with the standards for the specific pipe material as called out by the manufacturer.
- The clearances between direct-vent appliance vent terminals and openings in the building exterior that could allow combustion products to enter the building have been revised.

#### **KEY DIFFERENCES BETWEEN 2012 IPC AND 2015 IPC**

- Maximum gas demand has been modified.
- New requirements for gas piping installations.
- Pipe cleaning has been added.
- Installation of commercial cooking appliance gas connectors modified.

#### 4.12 National Fire Protection Association (NFPA) 1 and 101 (Life Safety)



NFPA 1 advances fire and life safety for the public and first responders as well as property protection by providing a comprehensive, integrated approach to fire code regulation and hazard management. NFPA 101 is the most widely used source for strategies to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards. NFPA 1 extracts from more than 50 NFPA codes and standards, including NFPA 101.

		COMPARISON JURISDICTIONS									
	MONTGOMERY COUNTY	MARYLAND			VIRGINIA						
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia			
Law	✓	✓	✓	✓	✓	✓	✓	✓			
Applicable Code	NFPA 1 and 101 - 2015	NFPA 1 and 101 - 2018 with Amendments	NFPA 1 and 101 - 2015 with Amendments	NFPA 1 and 101 - 2015	NFPA 1 and 101 - 2015	2015 Virginia Statewide Fire Prevention Code (SFPC) and NFPA 101-15	2015 Virginia Statewide Fire Prevention Code (SFPC) and NFPA 101-15	International Fire Code 2012 with Amendments			

#### SIGNIFICANT CHANGES TO NFPA 1 AND NFPA 101 2018

- Changes made in minimum inspection frequency of specific existing occupancies.
- Where required by Authority Having Jurisdiction (AHJ), requires testing of integrated fire protection systems.
- Updating to include food trucks.
- New scoping includes Hazardous Materials, Injuries from Falls and Emergency Communications. Requires Carbon Monoxide (CO) detection for all new assembly occupancies.

#### 4.13 National Fire Protection Association (NFPA) 13, 13D, & 13R (Sprinkler Systems)



Benchmark for design and installation of automatic fire sprinkler systems, including sprinkler system design approaches, system installation, and component options to prevent fire deaths and property loss.

		COMPARISON JURISDICTIONS								
	MONTGOMERY COUNTY	MARYLAND				WASHINGTON				
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia		
Law	✓	✓	✓	✓	✓	✓	✓	✓		
Applicable Code	NFPA 13R - 2013 and NFPA 13D - 2013	NFPA 13R - 2018 and NFPA 13 - 2018 with Amendments	NFPA 13R - 2015 and NFPA 13D - 2015	NFPA 13R - 2015 and NFPA 13D - 2015	NFPA 13R - 2013 and NFPA 13D - 2013	2015 Virginia Statewide Fire Prevention Code (SFPC) and NFPA 13 - 2015	2015 Virginia Statewide Fire Prevention Code (SFPC) and NFPA 13 - 2015	International Fire Code 2012 with Amendments		

#### **SIGNIFICANT CHANGES TO NFPA 13 2018**

- Provides clarifications for determining sprinkler system area limitations when mezzanines are involved.
- If sprinkler deflector distance is to be measured to insulation at the roof, the insulation must be either batt insulation or insulation that withstands 3 pounds per square foot uplift force.
- Where sprinklers are required below the obstructions, installation of the sprinkler can be adjacent to and within 3 inches of the side of the obstruction rather than directly beneath the obstruction.
- Altered Installation Requirements for Standard Response Upright, Pendent and Sidewall Sprinklers.
- Allows the use of automated valves.
- Deluge water curtains protecting proscenium openings, all open sprinklers must be calculated.
- Specifies the number of operating sprinklers to be included in the hydraulic design area.
- Provides a road map for establishing storage sprinkler design requirements.

#### 4.14 National Fire Protection Association (NFPA) 72 (Fire Alarm)



NFPA 72 provides the latest safety provisions to meet society's changing fire detection, signaling, and emergency communications demands. In addition to the core focus on fire alarm systems, the Code includes requirements for mass notification systems used for weather emergencies; terrorist events; biological, chemical, and nuclear emergencies; and other threats.

		COMPARISON JURISDICTIONS									
	MONTGOMERY COUNTY	MARYLAND			VIRGINIA			WASHINGTON			
		State	Frederick	Howard	Prince George's	State Fairfax		District of Columbia			
Law	✓	✓	✓	✓	✓	✓	✓	✓			
Applicable Code	NFPA 72 - 2013	NFPA 72 - 2018 with Amendments	NFPA 72 - 2015	NFPA 72 - 2015	NFPA 72 - 2013	2015 Virginia Statewide Fire Prevention Code (SFPC) and 2013 NFPA 72 National Fire Alarm Code	2015 Virginia Statewide Fire Prevention Code (SFPC) and 2013 NFPA 72 National Fire Alarm Code	International Fire Code - 2012 with Amendments and NFPA 72 - 2012			

#### **SIGNIFICANT CHANGES TO NFPA 72 2018**

- Updated to include a specific list of information that must be included with required documentation.
- Requires documentation for gas detection systems.
- Allows for performance-based design of Signaling Line Circuit (SLC) to permit the loss of more than one zone
  in certain circumstances.
- Single-and multiple- station smoke alarms and connected appliances shall be inspected, tested, and maintained.

### 4.15 Use & Occupancy



A Use and Occupancy (U&O) permit shows that a building is in compliance with all safety, construction and habitation codes. A building must have a permit before it can be opened to the public.

		COMPARISON	JURISDICTIONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	No	✓		✓	No	✓	✓
Applicable Code	Montgomery County Code Sec. 8-28. Certificate of Use and Occupancy		Frederick County Code Chapter 1-6 Subsection 111.2	Unclear	Prince George's County Code Sec. 27-253 Use and Occupancy Permits		Fairfax County Code Section 61-1-2	Zoning Regulations DC Municipal Regulations Title 11, and DC Building Code, DC Municipal Regulations Title 12A
Selected Requirements								
Other Information	Can be filed in person or online with walk through permits available; can use same documents for building permit and U&O if applied for at the same time; if use of the space has not changed but new tenants/owners, no U&O permit is required.		Once all inspections are complete, certificate is automatically mailed to applicant - no separate application required. New U&O permit required when change in use.	Unclear	Completed online with walk through permits available; new U&O permit required when change in tenant/owner or use.		Application must be submitted for non-residential use permit (Non-RUP) in person to the Zoning Permit Review Branch (ZPRB) of the Department of Planning and Development. Non-RUPs are required when there is a change of use in a building.	Applications must be submitted in person at DCRA's Permit Center. Certificate of occupancy permits are required when there is a change of ownership, new construction, change of use, or load change.
U&O Permit Fee	0-5,000 SF: \$383.93 5,00 - 10,001 SF: \$562.38 10,001 - 20,000 SF: 859.79 20,001+ SF: \$1,341.06 + \$.025956 per SF of area exceeding 20,000 SF		\$118.00 (per address or tenant space)	Unclear	New Building or Addition to Existing Building: \$210 No Construction, New Tenant or Owner Change: \$150		\$70	5,000 SF or Less: \$42 + \$33 Filing Fee 5,001-50,000 SF: \$42 + \$.004 per SF + \$33 Filing Fee 50,001 - 100,000 SF: \$276 +\$0.003 SF + \$33 Filing Fee 100,001+ SF: \$471 + \$0.0013 per SF + \$33 Filing Fee

Section 04

Table	Websites
4.1 International Building Code	https://www.iccsafe.org/about/periodicals-and-newsroom/key-changes-in-the-2018-i-codes/; https://www.iccsafe.org/wp-content/uploads/2018-IBC-UPDATE-Handout-9-1-17.pdf; https://blog.ansi.org/2017/11/2018-international-building-code-icc-ibc/#gref; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://library.municode.com/md/howard county/codes/code of ordinances?nodeld=HOCOCO TIT3BU SUBTITLE 1BUCO' https://www.fairfaxcounty.gov/landdevelopment/building-code-and-construction-type-history; https://www.mgac.com/blog/washington-dc-building-permitting-process-closer-look/; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://ibirary.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco md mc; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=-RhdP8ws3Ek%3d&tabid=1207&portalid=0https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule 0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.2 Special Exceptions/ Conditional Use	https://www.montgomerycountymd.gov/OZAH/Resources/Files/pdf/Jan15ConditionalUseAmendedChecklistForms.pdf; https://www.montgomerycountymd.gov/OZAH/Resources/Files/pdf/2016/Sept 2016 Fee schedule.pdf; https://www.montgomerycountymd.gov/OZAH/Resources/Files/pdf/2016/Sept 2016 Fee schedule.pdf; https://library.municode.com/md/howard county/codes/zoning?nodeld=HOWARD CO ZONING REGULATIONS \$131.0COUS; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=MTJJ7HeX_Ul%3d&tabid=1619&portalid=0; https://www.fairfaxcounty.gov/planning-development/zoning/application-packages; https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning/rezoning/rezoning/conventional-applicationpackage.pdf; https://www.lawhelp.org/files/7C92C43F-9283-A7E0-5931-E57134E903FB/attachments/B2D3EEF1-EC76-8509-2F6D-AAD71F10BF89/zoning-guide.pdf; https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/page_content/attachments/BZA%20-%20Application%20FAQ%20Sheet.pdf; http://www.pgplanningboard.org/DocumentCenter/View/447/Citizens-Handbook-2014-PDF?bidld=; http://www.pgparks.com/DocumentCenter/View/1321/Special-Exceptions-PDF?bidld=
4.3 Tree Canopy	https://law.lis.virginia.gov/vacode/title15.2/chapter9/; https://www.getthedirtblog.com/2019/01/28/successfully-integrating-tree-protection-with-development-in-the-city-of-trees/; https://code.dccouncil.us/dc/council/code/titles/8/chapters/6B/; https://www.montgomerycountymd.gov/green/trees/laws-and-programs.html; https://www.vika.com/news/montgomery-county-md-enacts-two-new-tree-protection-laws/; https://www.fairfaxcounty.gov/publicworks/trees/rules; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/pfm/chapter12.pdf; https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/DDOT%20Tree%20Permits%20%20Laws.pdf

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4.4 Roadside Tree	https://www.getthedirtblog.com/2019/01/28/successfully-integrating-tree-protection-with-development-in-the-city-of-trees/; https://dnr.maryland.gov/forests/Documents/rstrees.pdf; https://www.montgomerycountymd.gov/green/trees/laws-and-programs.html; https://www.vika.com/news/montgomery-county-md-enacts-two-new-tree-protection-laws/; https://www.fairfaxcounty.gov/publicworks/trees/rules; https://dot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/DDOT%20Tree%20Permits%20%20Laws.pdf
4.5 Accessibility	https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.dllr.state.md.us/labor/build/buildaccess.shtml; https://up.codes/viewer/district-of-columbia/ibc-2012/chapter/11/accessibility#11; https://up.codes/viewer/virginia/ibc-2015/chapter/11/accessibility#11; http://www.vacil.org/Accessibility%20Reference%20Manual.pdf
4.6 Energy Conservation	http://cbei.psu.edu/2015-iecc-whats-changed-since-2012-2/; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code_Adoption_Maps.pdf; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes
4.7 Green Construction	http://www.stuartkaplow.com/legal-library/environmental-law/green-building-law-maryland-survey-local-government-mandates-incentives/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://doee.dc.gov/service/green-buildings; https://doee.dc.gov/service/green-buildings; https://doee.dc.gov/service/green-buildings;
4.8 Mechanical Code	https://www.iccsafe.org/products-and-services/i-codes/2015-changes/key-changes-ipc-imc-ifgc/; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.montgomerycountymd.gov/DPS/Codes/Electrical-Mechanical-Index-Page.html; https://www.princegeorgescountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld=; https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopments/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.9 Plumbing Code	https://www.iccsafe.org/products-and-services/i-codes/2015-changes/key-changes-ipc-imc-ifgc/; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld=; https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html

Table	Websites
4.10 Electrical Code	https://www.ecmweb.com/national-electrical-code/media-gallery/20902236/top-25-changes-in-the-2017-nec; https://www.ecmweb.com/galleries/top-20-changes-2014-nec; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.montgomerycountymd.gov/DPS/Codes/Electrical-Mechanical-Index-Page.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=IA14uGp7C8E%3d&tabid=1207&portalid=0; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld=https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.11 National Fuel Gas Code	https://www.iccsafe.org/products-and-services/i-codes/2015-changes/key-changes-ipc-imc-ifgc/; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://www.iccsafe.org/wp-content/uploads/Code Adoption Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/commercial-bldg-code.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld=; https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule 0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.12 NFPA 1 & 101	https://community.nfpa.org/community/nfpa-today/blog/2016/07/15/nfpa-1-how-does-the-fire-code-incorporate-the-life-safety-code; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; http://md-dc-va-afaa.com/Portals/md-dc-va-afaa/PDF/AFAA%20Code%20Presentation.pdf; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://mdsp.maryland.gov/Organization/Documents/FPC%20Minutes%202019%2008%2015.pdf; https://www.iccsafe.org/wp-content/uploads/Code_Adoption_Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/FPCC-Codes-Index.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=qYxpzTRzMMY%3d&tabid=1207&portalid=0; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidId=; https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html

Table	Websites
4.13 NFPA 13	https://sprinklerage.com/changes-in-2016-nfpa-13/; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://oubo.virginia.edu/codes.html; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; http://md-dc-va-afaa.com/Portals/md-dc-va-afaa/PDF/AFAA%20Code%20Presentation.pdf; https://www.iccsafe.org/wp-content/uploads/Code_Adoption_Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/FPCC-Codes-Index.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes https://www.howardcountymd.gov/LinkClick.aspx?fileticket=qYxpzTRzMMY%3d&tabid=1207&portalid=0https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld=; https://frederickcountymd.gov/1639/Fee; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.14 NFPA 72	https://www.sfpe.org/page/FPE_ET_Issue105/Significant-Changes-to-the-National-Fire-Alarm-and-Signaling-Code.htm; https://frederickcountymd.gov/DocumentCenter/View/319366/FY20-Fee-Schedule; https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section9999/; https://oubo.virginia.edu/codes.html http://md-dc-va-afaa.com/Portals/md-dc-va-afaa/PDF/AFAA%20Code%20Presentation.pdf; https://www.iccsafe.org/wp-content/uploads/Code_Adoption_Maps.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf; https://www.fairfaxcounty.gov/landdevelopment/codes-and-standards; https://www.montgomerycountymd.gov/DPS/Codes/FPCC-Codes-Index.html; https://www.howardcountymd.gov/Departments/Inspections-Licenses-and-Permits/Plan-Review/Adopted-Codes; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=qYxpzTRzMMY%3d&tabid=1207&portalid=0; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidId=; https://frederickcountymd.gov/1639/Fees; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/fee-schedule_0.pdf; https://www.montgomerycountymd.gov/DPS/fees/index-fees.html
4.15 Use & Occupancy	https://www.montgomerycountymd.gov/DPS/Process/combuild/commercial-use-occupancy.html; https://frederickcountymd.gov/4753/Occupancy-Permits-for-New-Business; https://frederickcountymd.gov/1651/Certificate-of-Occupancy; https://www.princegeorgescountymd.gov/1567/Use-Occupancy; https://www.fairfaxcounty.gov/planning-development/zoning/non-residential-use-permits; http://www.gateway270.info/pdf/Certificate%20of%20Occupancy%20Information.pdf (website no longer exists, Webcached at http://webcache.googleusercontent.com/search?q=cache:pU18Tyoow3UJ:www.gateway270.info/pdf/Certificate%2520of%2520Occupancy%2520Information.pdf+&cd=1&hl=en&c t=clnk≷=us} or hard copy available from OLO)



# HEALTH DEPARTMENT REQUIREMENTS

5.1	Health Dep't Application
5.2	Food Facility Classification

5.3 Food Facility Plans

5.4 HACCP\* Plan

5.5	Health	Dep't	License
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6.6 Certified Food Service Manager

5.7 Allergy Awareness

5.8 Health Inspections

5.9 Nutrition Labeling

5.10 Trans Fat Ban

5.11 Polystyrene Ban

5.12 Smoking Prohibition

### 5.1 Health Department Application



Jurisdictions require persons seeking to open a restaurant to submit an application and required documents to local health departments prior to opening a restaurant.

	MONTGOMERY	COMPARISON JURISDICTION	ONS					
	COUNTY	MARYLAND				VIRGINIA		WASHINGTON
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Food establishments required to submit application to Health Department and obtain a health license prior to opening	✓	No, unless opening a chain restaurant in the State. If so, application submitted to State and local government.	✓	✓	✓	No, State Application Required.	✓	<b>✓</b>
Selected Requirements								
Responsible Administering Department	Department of Health and Human Services, Licensure and Regulatory Services	Department of Health and Mental Hygiene, Office of Food Protection	Department of Health, Environmental Health, Food Control	Department of Health, Environmental Health, Food Protection Program	Department of Health and Human Services, Environmental Health, Food Safety, Permits, and Inspections	Department of Health, Environmental Health, Food Safety Program	Department of Health, Environmental Health Division	Department of Health, Food Safety and Hygiene Inspection Services Division
Department Role	Enforces State law and local laws related to food establishments; reviews food facility plans, and licenses and inspects food establishments.	Establishes State-wide food regulations; local jurisdictions may enact laws that go beyond State requirements.	Enforces State law and local laws related to food establishments; reviews food facility plans, and licenses and inspects food establishments.	Enforces State law and local laws related to food establishments; reviews food facility plans, and licenses and inspects food establishments.	Enforces State law and local laws related to food establishments; reviews food facility plans, and licenses and inspects food establishments.	Establishes State-wide food regulations; authorizes local jurisdictions to implement laws and grants authority for local laws related to food establishments.	Enforces State law and local laws related to food establishments; reviews food facility plans, and licenses and inspects food establishments.	Establishes and enforces food establishment regulations; licenses and inspects food establishments.

### 5.2 Food Facility Classification - Maryland



Jurisdictions categorize food establishments based on type of food and population served. This categorization determines health department requirements, including submission of a Hazardous Analysis Critical Control Point Plan (HACCP) and number of inspections.

	MONTO CHIERY COUNTY	COMPARISON JURISDICTIONS			
	MONTGOMERY COUNTY	MARYLAND State	Frederick	Howard	Prince George's
Law	✓	✓	✓	✓	✓
Applicable Code	State Law Applies	COMAR 10.15.03		State Law Applies	
		High Priority: Health care facility or facility that serves potentially hazardous food prepared more than 1 day in advance of service or using food preparation methods that require food to pass through a temperature range of 41 degrees (F) to 135 degrees (F) 2 per more times before service (e.g., cooking, cooling, reheating).			
Food Facility Classifications		Moderate Priority: facility that serves potential hazardous food that is required to pass through a temperature range of 41 degrees (F) and 135 degrees (F) not more than 1 time before service (e.g., cooking, hot holding, then service) or that is cut, assembled, or packaged on the premises (e.g., meats).			
		Low Priority: facility that serves commercially packaged potentially hazardous foods directly to the consumer or non-potentially hazardous food that is cut, assembled, or packaged on the premises (e.g., candy, popcorn, baked goods) or hand dipped ice cream.			

### 5.2 Food Facility Classification - Virginia & DC



Jurisdictions categorize food establishments based on type of food and population served. This categorization determines health department requirements, including submission of a Hazardous Analysis Critical Control Point Plan (HACCP) and number of inspections.

	MONTGOMERY	COMPARISON JURISDICTIONS		
	COUNTY	VIRGINIA		WASHINGTON
		State	Fairfax	District of Columbia
Law	✓	✓	✓	✓
Applicable Code	State Law Applies	12VAC5-421	State Law Applies	DC. Reg. Food and Food Operations; Vol. 59 No. 48. Sec. 4400
Food Facility Classifications		Risk Category 4: A facility that conducts a specialized process requiring a variance and HACCP plan or serves a highly susceptible population (e.g., nursing homes, hospitals, or preschools and restaurants that conduct specialized processes such as curing, smoking, reduced oxygen packaging, etc.).		HIGH-RISK #5: Extensive handling of raw ingredients. Food processing at the retail level (such as, smoking and curing; reduced oxygen packaging for extended shelf-life).
		Risk Category 3: A facility that conducts two-stage cooling and/or reheats time/temperature for safety foods for hot holding (e.g., full service restaurants, some fast food restaurants).		HIGH-RISK #4: Extensive handling of raw ingredients. Preparation processes include the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods, including advanced preparation for next-day service. Includes facilities whose primary service population is immune-compromised.
		Risk Category 2: A facility that cooks raw animal food(s) and/or conducts ambient cooling of time/temperature for safety foods (e.g., schools, day cares, fast food).		MODERATE-RISK #3: Extensive handling of raw ingredients. Preparation process includes the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next-day service is limited to 2 or 3 items. Includes deli and seafood departments and establishments doing food processing at retail.
		Risk Level 1: A facility that prepares, serves, and/or sells only non-temperature control for safety foods; heats commercially processed Time/Temperature Control for Safety (TCS) foods for immediate service and/or hot holding; no cooling of TCS food allowed.		MODERATE-RISK #2: Limited menu (1 or 2 main items). Pre-packaged raw ingredients are cooked or prepared to order. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to a single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to one or two potentially hazardous foods.
				LOW-RISK #1: Primarily prepackaged, not potentially hazardous foods. Includes limited preparation of hot dogs and frankfurters and mobile ice cream operations.

#### 5.3 Food Facility Plans



Food service facility plans are scaled plans submitted to the health department for review and approval prior to the start of construction. Required documents can include architectural drawings (site and facility layout); equipment location and specifications; construction materials; menu; hours of operation; population served; and other specifications (lighting, ventilation, electrical plan, product flow, standard operating procedures, etc.).

	COMPARISON JURISDICTIONS								
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON	
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia	
Law	✓	✓	✓	✓	✓	No,	✓	✓	
Applicable Code	Montgomery County Code Sec. 15-11, 12	MD. Ann. Code Health - Gen. Art. Sec. 21-321 & COMAR 10.15.03	State Law Applies (Fees set by local jurisdictions)	State Law Applies (Fees set by local jurisdictions)	Prince George's County Code Sec 12-102 (Adopts State Code by Reference)	State code authorizes local jurisdictions to implement laws and grants authority for local laws related to food establishments.  (VA Administrative Code 12 VAC 5-421)	Fairfax County Food and Food Handling Code Sec. 8-301	DC. Reg. Food and Food Operations; Vol. 59 No. 48. Sec. 4200	
Selected Requirements									
Plan is required for new construction, remodeled or altered facilities, or new equipment	Yes	Chain and franchise restaurants only	Yes	Yes	Yes		Yes	Yes	
Plan is required for a change in ownership	No, unless new owner proposes construction, renovation, or alternation to food facility or equipment change)	Unclear	Unclear	Yes, must be filed within 30 days of settlement	Unclear		If there are no changes to the menu, seating, equipment, layout, or smoking designation AND ownership was assumed in past 90 days, then new owner can start operating as soon as permit filed and fee paid; If changes made or more than 90 days, must submit documents required for new food facilities	Requires submission of a Change of Ownership application; Application includes lease; menu; eating establishment questionnaire with the Office of Zoning Administrator which may include complete floor plan, menu, photographs of the interior; and equipment schedule	
Plan Review Fee	Fee based on food facility classification: Low Priority: \$240; Moderate Priority: \$330; High Priority: \$600	New construction or remodel of chain or franchise restaurant, \$300	\$100	Fee based on facility risk level: Low Priority: \$77; Moderate Priority: \$220; High Priority: \$385	Fee based on type of construction: New Facility: \$472.50 (\$450 + 5% Technology Fee of \$22.50); Remodeled Facility: \$315.00 (\$300 + 5% Technology Fee of \$15.00)		\$40	Fee based on facility size: <u>Type</u> A (25> cap or 3,000 sq. ft) \$100; <u>Type B</u> (26-75> cap or 3,001 – 10,000 sq. ft) \$200; <u>Type C</u> (>76 cap or >10,001 sq. ft) \$300	
Equipment Replacement Plan Review Fee	\$160	Unclear	Same cost as plan review fee	\$22 (single equipment change)	\$157.50 (\$150.00 + 5% Technology Fee of \$7.50)		Same cost as Plan Review	\$70	
In-Person Submission Required	Yes	Yes	Yes	Yes	Yes		Yes	No (plans and application may be submitted online)	
1st Time Plan Re-Submittal Fee	Unclear	Unclear	Unclear	Unclear	\$78.75		No charge for first time resubmittals	Unclear	

### 5.4 Hazard Analysis Critical Control Point (HACCP) Plan



Hazard Analysis Critical Control Point (HACCP) Plan categorizes types of potentially hazardous foods that are on the menu; State law requires submission of flow diagram and/or standard operating procedures to identify control points on food preparation, recipes, or processing and employee training on the processes.

		COMPARISON JURISDICTIONS								
	MONTGOMERY COUNTY					VIRGINIA		WASHINGTON		
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia		
Law	✓	✓	✓	✓	✓	✓	✓	<b>✓</b>		
Applicable Code	State Law Applies (County sets fees and submission)*	Health-Gen. Art., §21-321, COMAR 10.15.03 Food Service Facilities §§.33D-F	State Law Applies (County sets fees and submission)*	State Law Applies (County sets fees and submission)*	State Law Applies (County sets fees and submission)*	VA Administrative Code Sec 12VAC5-421-3610-3630; 12VAC5-421-3800	State Law Applies (County sets fees and submission)*	DC. Reg. Food and Food Operations; Vol. 59 No. 48. Sec. 4400-4401		
Description of Requirements		Plan is developed by person-in- charge. Plan is required by State law, but reviewed by local health departments. Priority assessment made based on menu, food service system, and populations served. Must be updated and approved every 5 years. Plans must include general food handling information and procedures.				Plan is required by State law and reviewed by local jurisdictions. Must include food handling information and procedures.		Plan is required if variance being sought is to serve raw or partially cooked food; specialized processing; maintaining shellfish tanks; reduced oxygen packaging; or the department determines that food preparation or processing requires a variance based on inspection or request.		
Selected Requirements										
Submitted with Initial Application to Health Department	Yes		Yes	Yes	Yes		Yes	Yes or if variance is requested		
Facility Types Requiring HACCP		High and Moderate Priority Facilities				Required based on food processing and/or population served		Unclear		
Cost of HACCP Review	Included in facility plan review fee	No separate State fee	\$75.00	Full review \$165; Partial review \$83	Unclear	No separate State fee	Included in food facility permit cost	\$125.00; If variance requested, \$325 for variance and HACCP review		
Online Submission	No		No	No	No		No	Application may be emailed; fee paid in person or by mail		

<sup>\*</sup>Most Maryland jurisdictions reviewed cite adoption of or reference to COMAR 10.15.03 within their County Codes. These citations are included in the Source Table at end of this Section. The same applies to Fairfax County, VA.

### 5.5 Health Department License



Food establishment must have a license to operate. Licenses are non-transferable by person and place. Licenses are typically renewed annually.

	MONTGOMERY	COMPARISON JURISDICTIONS									
	COUNTY	MARYLAND				VIRGINIA		WASHINGTON			
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia			
Law	✓	✓	<b>✓</b>	✓	✓	✓	✓	✓			
Applicable Code	MC Code Sec. 15-8	COMAR 10.15.03	State Law Applies	Howard County Code Sec. 12-107	Prince George's County Code Sec. 12-107-111	VA Administrative Code Sec 12VAC5-421-3660 - 3770	Food and Health Code Sec. 43-1-3-1	DC Code Sec 47-2851.0120			
Description of Requirements	A person must not operate a food facility without a license.	Food establishments must have a license to operate.	Food establishments must have a license issued by the Health Department.	Food establishments must have a license issued by the Health Department.	Food establishments must have a permit issued by the Health Department. Includes a 5% technology fee.	Requires restaurants to operate with a permit issued by local health departments.	Permit to operate issued by the Health Department after pre-opening inspection completed.	DC Department of Health does not issue a separate food service facility license. License is obtained as part of business licensing through the Department of Consumer and Regulatory Affairs. DC Health must conduct a final inspection before DCRA will approve license. If a restaurant also offers dancing and or live entertainment, must pay an additional Public Hall endorsement fee.			
Selected Requirements											
Cost of Food Service Facility License	Based on HACCP Plan: High Priority, \$525; Moderate Priority, \$375; Low Priority, \$200	Fees set by local jurisdictions	Based on HACCP Plan: High/Moderate Priority, \$200; Low Priority, \$75	Based on HACCP Plan: High priority, \$415; Medium Priority, \$325; Low Priority, \$100	Based on HACCP Plan: High Priority, \$672; Medium Priority, \$525; Low Priority, \$357		\$40	Fee listed is for DCRA license and is based on number of seats (includes application fee (\$70), endorsement fee (\$25), 10% technology fee): 1-10 seats, \$599.50; 11-50 seats, \$722.60; 51-100 seats, \$844.80; 100+ seats, \$968.00			
Online Submission and Payment	No		No	No	No		Application may be emailed	Yes			
Cost of Renewal	Same as above		Same as above	Same as above	Same as above		Same as above	Same as above			
Renewal timeframe	1 year		1 year	1 year	Maximum 1 year; may expire on a quarterly system with fee prorated.		1 year	2 years			
Late Fee	\$100		\$50	Unclear	Failure to submit application and fee within 5 days of expiration date results in a late charge of \$20/day		Unclear	Less than 30 after expiration: \$250 plus application fees; 30 days to 6 months: \$500 plus application fees			
Duplicate License Fee	\$10		Unclear	Unclear	Unclear		Unclear	Unclear			

### 5.6 Certified Food Service Manager



Jurisdictions may require that a food service facility be under the immediate control of a certified food manager. This is a person-in-charge who has demonstrated sufficient knowledge to protect the public from food-borne illnesses.

		COMPARISON JURISDICTIONS	;					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	No	No	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec. 15-8	COMAR 10.15.03.02	State Law Applies	Howard County Code Sec. 12-107	Prince George's County Code Sec. 12-114	VA Admin. Code Sec. 12VAC5-421-55	Northern Virginia Food Code Sec. 43-1-3-3	DCMR Title 25-A §§200.1, 203.1 203.3
Description of Requirements	Food service facility must be under immediate control of a Certified Food Service Manager. Requirement does not apply to a facility where no unwrapped food is handled. Applies to high and moderate priority facilities (HACCP).	State law only requires the person-in-charge to be familiar with food safety regulations and COMAR 10.15.03 and demonstrate knowledge to inspectors. There is no requirement for a Certified Food Service Manager.		Facility must be under the immediate control of a certified food service manager. Must provide proof of 2 certified food service managers with application. Applies to high and moderate priority facilities (HACCP).	A food service facility must be under the immediate control of a certified food service manager. Requirement applies to high and moderate priority facilities (HACCP).	Requires at least one employee with supervisory and management responsibility and the authority to direct and control food preparation and service to be a certified food protection manager (CFPM). State lists approved exams. Does not apply to food establishments that serve only non-temperature control for safety food (TCS) and food establishments where food handling does not exceed reheating, cold holding, and hot holding of commercially processed and packaged ready-to-eat foods.	Certified food protection manager required. Limited food certified manager required onsite for an establishment that only serves hotdogs or frankfurter type foods, pre-packaged foods, or foods that are not potentially hazardous.	All food facilities are required to have one employee, present at all times, certified in food safety. Businesses selling only pre-packaged or non-hazardous foods are exempt from requirement.

<sup>\*</sup>Howard County only requires 1 Certified Food Service Manager for food trucks.

# 5.6 Certified Food Service Manager Cont'd - Selected Requirements



		COMPARISO	ON JURISDICTI	ONS				
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Must Apply in Person	Yes			Yes	Yes		Yes. Fairfax Health Department does not issue certification cards; uses a private company for testing and issuing cards, ORS Interactive.	Yes
On-site Proctored Exam Required	Yes			Yes	Yes		Yes	Yes
Certified Employee Must be on Site During Hours of Operation	Yes			Yes	Yes		Yes	Yes
Cost of County Certification	\$50			\$17	\$57.75 (includes a \$2.75 Technology Fee)		\$45	\$35
Cost of Renewal or Transfer Application	\$50			Unclear	\$57.75 (includes a \$2.75 Technology Fee)		\$45	\$35
Cost of Duplicate Card	\$10				\$15			\$15
Reciprocal or Transfer Certification	Transfer, DC and select Maryland jurisdictions			Unclear	Transfer, DC and select Maryland jurisdictions		Reciprocal, a Northern Virginia Food Manager Card is valid in Fairfax County, Arlington County and the City of Alexandria at no additional cost.	Unclear
Same Day Issuance (Course, Exam, and Card)	Unclear			Unclear	Unclear		Yes, test results same day for computer based tests; paper and pencil test results available 7-10 days afterwards.	Unclear
First-time Applicant Requirements	Application, fee, course certificate and passing exam score, and government photo id			Application, fee, course certificate and passing exam score, and photograph	Application, fee, course certificate with passing exam score, and government photo id		Application, course certificate, passing score on exam, and fee	Application, course certificate, passing score on exam, and fee
Renewal Requirements	Application, fee, recertification course certificate, and government photo id or proof of completing self-inspection/inhouse training, current Montgomery County CFSM card			Application, fee, recertification course certificate, and photograph	Application, fee, recertification course certificate, and government photo id		Application, course certificate, passing score on exam, and fee	Application, course certificate, passing score on exam, and fee
Certification Period	3 years			Unclear	3 years		5 years	3 years
Fine for Non-Renewal	Unclear			Unclear	\$500 per occasion that a facility fails to provide proof that the establishment is under control of a certified food service manager.		Unclear	Unclear

#### 5.7 Allergy Awareness



Ensure food facility staff are knowledgeable on food allergens and symptoms. Visitors to alert restaurant staff to food allergies. Requirements range from posting a poster to training requirements of the certified food safety manager to separate certification requirements.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND		,		VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code §15-15B	MD Code Ann., Health- General 21-330.2(A); COMAR 10.15.03.32		State Law Appli	es	Virginia Administrative Code 12VAC5-421-55	State Law Applies; Food and Food Handling Code Sec. 2-102.11	DC Reg. Food and Food Operations Vol. 59-No.48, Sec. 202
Description of Requirements	Requires food establishments to have a person certified in food allergy awareness on premise while food is prepared or served.	Must display poster in food establishment that relates to food allergy awareness; certified food service manager course may include information on allergens, but the State does not require a separate certification.				State Board of Health must include training standards on food safety and food allergy awareness and safety in its restaurant regulations. The Commissioner of Health is required to restaurant training materials (available on the Department of Health website). The certified food service manager's training includes food allergy awareness. Manager is responsible for ensuring staff are trained.	Requires person-in-charge to demonstrate knowledge of major allergens and symptoms that a major allergen may cause to inspectors.	Certified food protection manager must be knowledgeable of major allergens and symptoms. Manager is to ensure that employees are properly trained in food safety, including allergy awareness as it relates to their assigned duties.
Selected Requirements								
Separate Training Requirement	Yes					No		No
Employee Training Requirements	One employee must be certified and onsite when food is prepared or served					Included in Certified Food Service Manager Training (See Table 5.6)		Included in Certified Food Service Manager Training (See Table 5.6)
Certification Period	Depends on approved training course							
Cost (approx.)	Cost based on certification class and test. Costs range from \$10 (2 year certification) to \$69 (5 year certification), depending on course.							
Reporting Requirements	Unclear							

### 5.8 Health Inspections



Jurisdictions require food facilities to undergo routine and unannounced inspections. Certified Food Managers or Person-in-Charge walk inspectors around site and answer questions.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	<b>✓</b>	✓
Applicable Code	Montgomery County Code Section 15-3; COMCOR Section 15.00.01.04	COMAR 10.15.03.29-30	State	Law Applies	Prince George's County Code Sec. 12-112-113	12VAC5-421-3650, 3800, 3810	Fairfax County Code Food and Food Handling Code Sec. 8-401- 8-406	DC Reg. Food and Food Operations Vol. 59-No.48, Sec. 4400-4401
Description of Requirements		Number of inspections based on HACCP plan priority designation				Number and frequency of inspections based on inspection performance and risk	Enforce State Law; reviews and inspects food establishments	Establishes and enforces food establishment regulations; conducts inspections
Selected Requirements								
Pre-Opening Health Inspection	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Routine Inspections		High Priority: Minimum of 3 inspections/year (1 Comprehensive Inspection, 2 Monitoring Inspections); Medium Priority: Minimum of 2 inspections/yr (1 Comprehensive Inspection, 1 Monitoring Inspection); Low Priority: Minimum of 1 Comprehensive Inspection every 2 years (HACCP Plan inspection not required).				Facilities inspected at least once every 6 months. Intervals between inspections may increase if facility is operating under a HACCP plan; if established a lower risk (e.g., service involves only coffee or other unpackaged or prepackaged food that is not time or temperature controlled for safety) facility is reviewed annually.	Risk-based inspection system. Establishments inspected 1-3 times per 12 month period. Other inspections may be conducted as needed.	Based on establishment's risk category; higher risk facilities have more unannounced inspections than lower risk facilities; a complaint will generate an inspection regardless of risk category. Risk level can change based on repeated deficiencies, foodborne illness report and or prior inspection history.
Complaint -Based Inspection		Yes				Yes	Yes	Yes
HACCP Plan Inspection		Yes				Yes	Yes	Yes
Report of Food Bourne illness		Yes				Yes	Yes	Yes
Training Inspection		Unclear				Unclear	Yes	Yes
Follow-Up Inspection		Yes				Unclear	Yes	Yes
Inspection Publicly Available Online	Yes		No	Yes	Yes	Yes (Statewide data)	Pending	Yes
Reinspection Fees	Compliance Re-inspection Fee, \$100; Reinstating a suspended licenses during Business Hours: \$100 per inspection; After Business Hours: \$150 per inspection.		\$50	\$55	During Business Hour:, \$100 per inspection; After Business Hours: \$175 per inspection.		Unclear	During Business Hours: \$100 per inspection; After Business Hours: \$400 per inspection.
Chronic Offender Fine	Unclear		Unclear	Unclear	Up to \$1,000 per offense		Unclear	Unclear

#### 5.9 Nutrition Labeling



Posting of calorie counts for menu items. Federal Government signed into law the Federal Food, Drug, and Cosmetic Act which required the Food Drug Administration (FDA) to establish regulations that required covered food establishments to post calorie information on menus and have nutrition information available upon request. Covered restaurants are establishments that serve restaurant type food, part of a chain with 20 or more fixed locations, doing business under same name and offering substantially same products for sale (e.g., restaurants, entertainment venues, movie theaters, grocery stores, takeout and delivery services, etc.). Compliance date was May 7, 2018.

		COMPARISON JURISDICTION	N					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec.15-15(a)			Federal Law A	Applies. See Description	Above.		
Description of Requirements	Enacted 2009. At time, Montgomery was only County in Maryland with nutrition labeling law. Similar to new Federal requirement establishments, which are a part of a chain of at least 20 locations in the US, must post nutritional information for standard menu items. Grocery stores, convenience stores, and movie theaters are exempt.							

#### 5.10 Trans Fat Ban



Removal of artificial trans fats from foods. In 2015, the Federal Drug Administration (FDA) determined that partially hydrogenated oils (PHOs), a major source of artificial trans fat in the food supply, were no longer "generally recognized as safe." Manufacturers cannot use PHOs in foods. Compliance extended to 1/1/20 to allow more time for products produced prior to 1/18/18 to work way through distribution.

		COMPARISON JURIS	COMPARISON JURISDICTIONS									
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON				
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia				
Law	✓	✓	✓	✓	✓	✓	✓	✓				
Applicable Code	County Council Resolution No. 16-134			Fed	eral Law Applies. Se	ee Description Above.						
Description of Requirements	Enacted 2009. Restaurants and grocery stores that prepare food may not use PHOs, shortenings, or margarines that contain more than 0.5 grams trans fat per serving. This includes oils and shortenings used for deep frying of yeast or cake batter.											

# 5.11 Polystyrene Ban



Ban the use of single use expanded polystyrene food service products.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	No	No	✓
Applicable Code	Montgomery County Code Sec. 1- 19; 48-53-58	MD. Code Ann. Env. Art. Sec. 9-2201- 2207	State Lo	aw Applies	Prince George's County Code Sec. 19-139 -144	Dillion Rule applies: local go legislate in specified areas authority from State.		DC Code Sec 8-1531-1537
Administering Department	Department of Environmental Protection	Department of Environment			Department of Environment			Department of Energy and Environment
Description of Requirements	The law banned the use of polystyrene food service ware by food service businesses and the sale of polystyrene loose fill packaging and expanded polystyrene food service products. Materials must be compostable or recyclable.	State law prohibits food businesses from selling expanded polystyrene food service product on or after July 1, 2020; prohibits food service businesses or schools from selling or providing food or beverages in expanded polystyrene food service products on or after July 1, 2020.			Banned the use or sale of expanded polystyrene food service products by food service businesses and the sale of polystyrene loose fill packaging and other foam articles.			Phase 1 (2016): Banned the use of expanded polystyrene by all businesses and organizations that provide food and drink in the district. Phase 2 (2017): may only use recyclable or compostable disposable products.
Selected Requirements								
Prohibit Use of at Food Restaurants	Yes	Yes			Yes			Yes
Prohibit Sale of Loose Fill Packaging	Yes	No			Yes			No
Apply to Food Service Facility Operating on Behalf of County/State	Yes	Yes			Yes			Yes
Ban Applies to Nonprofits	Yes	Yes						Yes
Apply to Food and Beverage Filled and Sealed in Foam Containers Prior to Receipt by Local Food Establishment	No	No			No			No
Apply to Foam Packaging of Meat or Eggs for Off- Premises Consumption	No	No			No			No
Fine	Class B Civil Violation: Initial Offense, \$100; Repeated Offense: \$150 (each day is a separate offense)	\$250			Within 12 month period - First violation: Warning; Second violation: \$250; Third violation: \$1,000 (each day is a separate offense)			\$100 for first-time offenders to \$3,200 for repeat offenders

# 5.12 Smoking Prohibition



Prohibition of smoking at food service establishments.

		COMPARISON JURISDI	CTIONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec. 24-9	COMAR 10.1904	State Law Applies	Howard County Code Sec. 12.600-613; Sec. 24-107	Prince George's County Code Sec.19-130 - 134	Virginia Code Sec. 15.2-2825	Fairfax County Code Sec. 44-1	DC Code Sec. 17-1701-1710
Description of Requirements	Prohibits smoking in eating and drinking establishments (since 2003).	State law prohibits smoking in restaurants (since 2007).		Prohibits smoking in eating and drinking establishments (since 2006).	Prohibits smoking in all eating and drinking establishments (since 2005).	Localities cannot regulate smoking more stringently than the State.	Prohibits smoking in designated areas, implements State law.	Prohibits smoking in indoor areas including restaurant (2006).
Selected Requirements								
Apply to Indoor Seating Areas	Yes	Yes		Yes	Yes	Yes		Yes. Restaurant owners with seating capacity for 50 or more shall designated at least 25% of total seating to nonsmoking areas; bar and lounge seating is excluded; where smoking is permitted, physical barriers or separate rooms must be used to greatest extent possible (ventilation rules apply).
Apply to Outdoor Seating Areas	Yes	No		No	No	No		No
Extends to E- Cigarettes and Vaping	Yes	No		Yes	Yes (with exception of places awarded a video game license)	No		Yes
Penalties	\$ 50 (for first offense)	First citation: written reprimand; 2nd citation: \$100; 3rd citation: \$500; 4+ citations: \$1000		Person: Class C civil offense, \$100-\$250; Establishment: Class B civil offense, \$250- \$500	Person found guilty of refusing to comply: \$200; Establishment found guilty: not to exceed \$1,000	Person: Not more than \$25; Establishment: Not more than \$25		1st violation: \$100 to \$1,000; Subsequent violations: \$200-\$1,000; Failure to notify person smoking to stop: \$500

### SECTION 05 SOURCES: HEALTH DEPARTMENT REQUIREMENTS (as of January 2020)

Table	Websites
4.1 Health Dep't Application	https://www.montgomerycountymd.gov/HHS-Special/LandRLicenseFoodService.html#Application; https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/plan-review.aspx; https://www.princegeorgescountymd.gov/1887/Food-Safety-Permits-Inspections; https://health.frederickcountymd.gov/352/Food-Control; https://www.howardcountymd.gov/Departments/Health/Environmental-Health/Food-Protection; https://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/food-operators/; https://www.fairfaxcounty.gov/health/environment; https://dchealth.dc.gov/service/food-establishments
4.2 Facility Classification	See Code Citations in Table.
4.3 Food Facility Plan	https://www.princegeorgescountymd.gov/1573/Plan-Review; http://health.frederickcountymd.gov/462/OpeningRemodeling-A-Food-Service-Facilit; http://health.frederickcountymd.gov/DocumentCenter/View/1317/Plan-Review-Application-FormpdfSept15?bidld=; http://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld=; https://www.howardcountymd.gov/Departments/Health/Environmental-Health/Food-Protection; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=xx8VFH5i26g%3d&tabid=1400&portalid=0; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=jnRdNjhj11Q%3d&tabid=1400&portalid=0; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/2019%20FSHISD%20list%20of%20fees%20for%20services%20and%20goods%20Apr%202019.pdf; https://www.vdh.virginia.gov/content/uploads/sites/110/2018/10/Risk-Categorization-of-Food-Establishments.pdf; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/2019%20FSHISD%20list%20of%20fees%20for%20services%20and%20goods%20Apr%202019.pdf; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Restaurant%20Regulatory%20Guide%20Sheef%20FINAL%204-1-16%20%282%29.pdf; https://dcra.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/EATING_ESTABLISHMENT_QUESTIONNAIRE_8-14-08_CORRECTED_fillable_0.pdf
4.4 HACCP Plan	COMCOR 15.00.01.04, Montgomery County Code 15-3; Prince George's County Code Sec 12-102; Sec. 12-112; Howard County Code Sec. 12-107; Fairfax County Code Food and Health Code Sec. 8-201.13; <a href="https://www.montgomerycountymd.gov/HHS-Program/Resources/Files/LandRdocs/FEESCHEDULE.pdf">https://www.montgomerycountymd.gov/HHS-Program/Resources/Files/LandRdocs/FEESCHEDULE.pdf</a> ; <a href="https://www.princegeorgescountymd.gov/DocumentCenter/View/8456/Hazard-Analysis-Critical-Control-Point-HACCP-Plan-Submission-Guidelines-PDF">https://www.princegeorgescountymd.gov/DocumentCenter/View/8456/Hazard-Analysis-Critical-Control-Point-HACCP-Plan-Submission-Guidelines-PDF</a> ; <a 418="" documentcenter="" health.frederickcountymd.gov="" href="https://health.frederickcountymd.gov/DocumentCenter/View-Application-FormpdfSept15?bidld=" https:="" plan-review-submission-guidelines-pdf?bidld="https://dchealth.dc.gov/service/food-establishments" view="">https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"&gt;https://health.frederickcountymd.gov/DocumentCenter/View/418/Plan-Review-Submission-Guidelines-PDF?bidld="https://dchealth.dc.gov/service/food-establishments"</a>
4.5 Health License	https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/FEESCHEDULE6-18.pdf; https://www.princegeorgescountymd.gov/1571/Food-Service-Facility-FSF-Permits; https://health.frederickcountymd.gov/DocumentCenter/View/411/Environmental-Health-Fee-Schedule?bidld=; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=8j1VMX_tST8%3d&tabid=1398&portalid=0; https://dcra.dc.gov/page/food-services-business; https://www.fairfaxcounty.gov/health/sites/health/files/assets/documents/pdf/ehf28-food-fees.pdf; https://dchealth.dc.gov/service/food-establishments; https://frederickcountymd.gov/DocumentCenter/View/321456/FY20-Adopted-Budget-Book; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=4c-Hls1c5e4%3d&tabid=1566&portalid=0

### SECTION 05 SOURCES: HEALTH DEPARTMENT REQUIREMENTS (as of January 2020)

Table	Websites
5.6 Certified Food Service Manager	https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/FoodService/CFSMFactSheet.pdf; https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/FESCHEDULE6-18.pdf; https://www.princegeorgescountymd.gov/1571/Food-Service-Facility-FSF-Permits; Prince George's County Code Sec. 12-114; https://health.frederickcountymd.gov/Faq.aspx?QID=157; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=xx8VFH5i26g%3d&tabid=1400&portalid=0; https://www.howardcountymd.gov/Departments/Health/Environmental-Health/Food-Protection; https://www.fairfaxcounty.gov/health/food/certified-food-manager; http://orsinteractive.com; https://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Application%20for%20ID%20Cards-1.pdf
5.7 Allergy Awareness	https://dchealth.dc.gov/service/food-safety-and-hygiene-inspection-regulations; Virginia Administrative Code, Chapter 421 Food Regulations, 12VAC5-421-55; https://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/food-allergens/; https://www.montgomerycountymd.gov/hhs-special/LandRLicenseFoodService.html#Food; https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=1036_1_1022_Bill_33-16_Action_20160802.pdf; https://www.foodallergy.org/education-awareness/advocacy-resources/advocacy-priorities/food-allergies-and-restaurants
5.8 Health Inspections	https://www.montgomerycountymd.gov/HHS-Special/LandRLicenseFoodService.html#New; https://data.montgomerycountymd.gov/Health-and-Human-Services/Food-Inspection/5pue-gfbe/data; https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule?bidld; https://www.princegeorgescountymd.gov/DocumentCenter/View/21413/Health-DepartmentPDF; https://frederickcountymd.gov/DocumentCenter/View/321456/FY20-Adopted-Budget-Book; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=4c-Hls1c5e4%3d&tabid=1566&portalid=0; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=8j1VMX_tST8%3d&tabid=1398&portalid=0; http://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/vdh-and-food-safety/; https://www.fairfaxcounty.gov/health/food/inspections; https://dchealth.dc.gov/node/1405521; https://www.fairfaxcounty.gov/budget/sites/budget/files/assets/documents/fy2020/adopted/volume1/71.pdf; https://dchealth.dc.gov/service/understanding-food-establishment-inspections; https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC_2020_OCFO_Budget_Vol_4.pdf
5.9 Nutrition Labeling	https://www.montgomerycountymd.gov/hhs-special/LandREnviroHealthMenu.html; https://www.fda.gov/food/food-labeling-nutrition/fact-sheet-fdas-implementation-menu-labeling-moving-forward; https://www.fda.gov/media/116000/download;
5.10 Trans Fat Ban	https://www.montgomerycountymd.gov/HHS-Special/LandREnviroHealthTransFat.html; https://www.fda.gov/food/food-additives-petitions/trans-fat
5.11 Polystyrene Ban	https://www.montgomerycountymd.gov/sws/expanded-polystyrene/; http://mgaleg.maryland.gov/2019RS/fnotes/bil 0009/hb0109.pdf; https://www.carrollcountymd.gov/media/5783/eps-report-2018-sep-19-final-w-appen.pdf; https://www.princegeorgescountymd.gov/2483/Styrofoam-Ban#targetText=Starting%20July%201%2C%202016%2C%20polystyrene,use%20in%20Prince%20George's%20County.: https://doee.dc.gov/release/district-foam-ban-takes-effect-january-1-2016; https://www.washingtonpost.com/local/want-your-food-to-go-in-dc-youll-have-to-do-without-the-plastic-foam-containers/2015/12/30/4c2ac7ac-ae61-11e5-b820-eea4d64be2a1 story.html; https://ddot.dc.gov/sites/ddof/sites/ddoe/page_content/attachments/FINAL_Frequently%20Asked%20Questions%203.11.16.pdf
5.12 Smoking Prohibition	https://www.montgomerycountymd.gov/hhs-special/LandREnviroHealthSmoking.html; https://phpa.health.maryland.gov/IDEHASharedDocuments/CIAA/Fact Sheet bars rest.pdf; https://health.frederickcountymd.gov/134/Clean-Indoor-Air-Act; County Council of Howard County Maryland, Bill No. 28-2015; http://www.vdh.virginia.gov/content/uploads/sites/29/2016/07/HL17.pdf; https://www.washingtonpost.com/wp-dyn/content/article/2006/01/04/AR2006010401310.html; https://dchealth.dc.gov/service/smoke-free-and-tobacco-laws; https://www.publichealthlawcenter.org/resources/us-e-cigarette-regulations-50-state-review



# FOOD TRUCK LAWS & LICENSES

- 6.1 Health Dep't Application
- 6.2 Mobile Unit Facility Plan
- 6.3 Health License
- 6.4 Health Inspections

- 6.5 Base of Operations
- 6.6 Fire Inspection
- 6.7 Location & Hours of Operation
- 6.8 Business License

## 6.1 Health Department Application



Mobile food facilities must be inspected and licensed by local health departments.

	MONTGOMERY	COMPARISON JURISDIC	TIONS					
	COUNTY	MARYLAND	,			VIRGINIA		WASHINGTON
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Mobile Food Units Required to Submit Application to Health Department and Obtain a Health License Prior to Opening	<b>*</b>	No (State application not required. Mobile Units must comply with COMAR 10.15.03)	<b>*</b>	<b>√</b>	*	No (State application not required, Mobile Units must comply with State food regulations)	<b>✓</b>	<b>~</b>
Responsible Department	Department of Health and Human Services, Licensure and Regulatory Services	Department of Health and Mental Hygiene, Office of Food Protection	Department of Health, Environmental Health, Food Control	Department of Health, Environmental Health, Food Protection Program	Department of Health and Human Services, Environmental Health, Food Safety, Permits, and Inspections	Department of Health, Environmental Health, Food Safety Program	Department of Health, Environmental Health Division	Department of Health, Food Safety and Hygiene Inspection Services Division; Department of Consumer and Regulatory Affairs (vendors, including food trucks)
Selected Requirements								
Submission Requirements	Application; fee; plan review packet; menu; HACCP plan; vehicle registration; Workman's Compensation; Base of Operations Authorization Form; and Certified Food Service Manager.		Application; fee; food facility plan; menu; HACCP plan; base of operations; workman's' compensation; fire inspection; and vehicle registration.	Application; fee; food facility plan; HACCP; menu; fire department inspection; base of operations; certified food manager; and vehicle registration.	Application; fee; plan review packet; menu; HACCP plan; vehicle registration; Workman's Compensation; Base of Operations; Certified Food Service Manager; Proof of review of Fire Department inspection.		Application; fee; food facility plan; menu; HACCP plan; Certified Food Manager Card; Base of Operations; and vehicle registration.	Application; fee; government issued photo id; certified protection food manager card; vehicle registration; menu; HACCI plan, food facility plan; support facility/depot's most recent health inspection report; parking contract; also vendor business license, vendor employee badges, vendor space permit, and DC Fire Permit, if applicable.
Reciprocity License Submission Requirements (Health Department License Obtained in 1 Jurisdiction, May be Used in Another).	Same as above. Also must submit a "County of Origin" mobile food license and inspection report. Food manager must be certified in Montgomery County.	Units must comply with COMAR 10.15.03; sets forth requirements and maximum fees jurisdictions may charge for reciprocal licenses.	Same as above; Must also submit a "County of Origin" mobile food license. Proof of base of operations within county of origin.	Same as above; Must also submit a "County of Origin" mobile food license; proof of base of operations within county of origin; and food manager certification for Howard County.	Same as above; Also must submit a "County of Origin" mobile food license and inspection report and proof of Prince George's County certified food manager certification.		No reciprocal license for units outside of Fairfax County. Must comply with same criteria above and if base of operations is not in Fairfax County jurisdiction, must submit letter from governing jurisdiction that base of operations is satisfactory and is under a regular inspection program.	No separate reciprocity license; must comply with all criteria above plus business license if support facility/depot is outside of DC.

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#### 6.2 Mobile Unit Facility Plan



Food service facility plans are scaled plans submitted to the health department for review and approval prior to the start of construction. Required documents can include architectural drawings (site and facility layout); equipment location and specifications; construction materials; menu; hours of operation; population served; other specifications (lighting, ventilation, electrical plan, product flow, standard operating procedures, etc.).

		COMPARISON JURISDICXT	IONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	No. A plan is not required to be submitted to the State.	✓	<b>√</b>	✓	No. A plan is not required to be submitted to the State.	✓	✓
Applicable Code	MC. Code Sec. 15-11, 12	While no plan required, MD health laws still apply. MD. Ann. Code Health - Gen. Art. Sec. 21-321 & COMAR 10.15.03	Applies State Code	Howard County Code Sec. 12-107	Prince George's County Code Sec 12-102 (Adopts State Code by Reference)	While no plan is required, VA health laws still apply. VA Administrative Code 12 VAC 5-421	Fairfax County Food and Food Handling Code Section 43.1-5-1	DC. Reg. Food and Food Operations; Vol. 59 No. 48. Sec. 4200; DC Reg. Vendors and Solicitors Vol. 60 No. 40 Sec. 544-550
Selected Requirements								
Same requirements as Food Service Facilities				Yes, Refer to Food Se	ervice Facilities Section			
Plan Review Fee (Fee may be per vehicle or trailer)	Fee based on facility risk level: Low Priority: \$240; Moderate Priority: \$330; High Priority: \$600		\$100	Fee based on facility risk level: Low Priority - \$77; Moderate Priority - \$220; High Priority - \$385	Fee based on type of construction: New Facility: \$472.50 (\$450 + 5% Technology Fee of \$22.50); Remodeled Facility: \$315.00 (\$300 + 5% Technology Fee of \$15.00)		\$40 per vehicle or trailer	Included in Health Certificate Application (See Health Dep't License Tab)
Online Submission and Payment	No		No	No	No		No	No

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#### 6.3 Health License



Food establishment must have a license to operate. Licenses are non-transferable by person and place. Licenses are typically renewed annually.

	MONTOOMERY	COMPARITIVE JURISDICTIONS						
	MONTGOMERY	MARYLAND				VIRGINIA		WASHINGTON
	COUNTY	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	Montgomery County Code Sec. 15-8	COMAR 10.15.03	State Law Applies	Howard County Code Sec. 12-107	Prince George's County Code Sec. 12-107-111; 12- 115	VA Administrative Code Sec. 12VAC5- 421-3660 - 3770	Food and Health Code Sec. 43-1-3-1	DC Code Sec 47-2851.0120
Description of Requirements	A person must not operate a mobile unit without a license.	Mobile units must have a license to operate.	Mobile units must have a license issued by the Health Department.	Mobile units must have a license issued by the Health Department.	Mobile units must have a permit issued by the Health Department.	Requires mobile units to operate with a permit issued by local health departments.	Mobile units must have a permit issued by the Health Department. Issued after pre-opening inspection completed.	Application fee paid to DC Health for a Health Inspection Certificate. DC requires additional businesses licenses for mobile food facilities. Certificate is valid for 6 months, after which the owner must renew application.
Selected Requirements								
Cost of Food Service Facility Annual License	Based on HACCP Plan: <u>High Priority</u> , \$525; <u>Moderate</u> <u>Priority</u> , \$375; <u>Low</u> <u>Priority</u> , \$200	Fees set by local jurisdictions	Based on HACCP Plan: High/Moderate Priority, \$200; Low Priority, \$75	\$110	\$640 + 5% Technology Fee of \$32 for a total of \$672		\$40	\$100 per vehicle (Health Inspection Certificate)
Online submission and payment	No	Unclear	No	No	No		Application may be emailed	No
Reciprocal License Available, Cost	Yes, \$300.	Yes, State law requires a county health department to issue a mobile reciprocity license to Maryland mobile food service facilities that meet the requirements set forth in MD Health-General Code Ann. § 21-304 (f) and COMAR 10.15.03. Prohibits counties from requiring an inspection, under certain circumstances. Fee cannot exceed \$300. County issuing license may inspect truck when in county and assess violations.	Based on HACCP Plan: High/Moderate Priority, \$200; Low Priority, \$75	Unclear	Yes, \$285.00 + 5% Technology Fee of \$14.25 for a total of \$299.25		No	No
Temporary License Timeframe and Cost	Greater than 14 days, Less than 90 Days; \$175		Fewer than 14 days, \$25	\$75	Multi-day/single-day, \$125 plus 5% technology fee totaling \$131.25; Government-sponsored multi-day/single-day, \$75 plus 5% technology fee totaling \$78.75		\$40	Unclear

### 6.4 Health Inspections



Jurisdictions require food facilities to undergo routine and unannounced inspections. Certified Food Managers or Person-in-Charge walk inspectors around site and answer questions.

	MONTCOMERY	COMPARISON JURIS	DICTIONS						
	MONTGOMERY County	MARYLAND				VIRGINIA		WASHINGTON	
	COUNT	State	Frederick Howard		Prince George's	State	Fairfax	District of Columbia	
Law	✓	✓	✓	✓	✓	✓	✓	✓	
Applicable Code	Montgomery County Code Section 15-3; COMCOR Section 15.00.01.04	COMAR 10.15.03.29-30	State Law Applies		Prince George's County Code Sec. 12-112-113	12VAC5-421-3650, 3800, 3810 Fairfax County Code Food and Food Handling Code Sec. 8-401-8-406			
Selected Requirements									
Same Requirements as Food Service Facility	Yes	Yes, refer to Food Facilities Section	Yes	Yes	Yes	Yes, refer to Food Facilities Section	Yes	Yes, refer to Food Facilities Section	
Scheduling Unit Inspections for New, Renewal, and Reciprocity Inspections	Monday - Friday, 8 am - noon and 1 - 3 pm		Appointment required	Appointment Required	Appointment required		Appointment required	Appointment required; Renewal inspections take place Monday, Tuesdays, Thursdays, Fridays 10 am to 3 pm	

### 6.5 Base of Operations



Mobile food vendors may be required to have a base of operations. A base of operations must be a licesned food service facility.

	MONTGOMERY	COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
	COUNTI	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	State Law Applies	COMAR 10.15.03.25	State Lav	v Applies	Prince George's County Code Sec. 12-115	12VAC5-421-10	Food and Food Handling Code Sec. 43.1-2-4	DC Reg. Vendors and Solicitors, Vol. 60 No. 40, Sec. 574
Description of Requirements	Requires Base of Operations; Same facility requirements as State law.	Effective December 31, 2018 - Mobile food vendors are required to have a base of operations as of May 1, 2020 (except those vendors selling prepackaged frozen deserts). Most mobile food vendors were required to have a base of operations prior to this, including those with a reciprocity license. Base of operations must provide source of portable water, portable water hoses, and clean connections; method of disposal of sewage acceptable by approving authority; clean, adequate, covered trash receptacles, refrigerated and dry storage areas, (if needed); storage area for single service articles; utensil washing facility (if needed).	Requires Base of Operations. Same facility requirements as State law. If Base of Operations is being used for more than just clean-up and/or minimal storage/prep, additional license may be required.	Requires Base of Operations. Same facility requirements as State law.	Requires Base of Operations (Depot) if vendor is required by the State. Must show utensil washing facilities; disposal of liquid and solid wastes; source of potable water; and(iv)Storage of foods.	State law defines "servicing area" as an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food; regulations also outline specifications for mobile food water tank and waste disposal.	Requires base of operations. Requirements include adequate level of hot and cold water; equipment shall be cleaned at base of operations daily; wasterwater tank must be cleaned and emptied at base of operation only, provision of santiary storage; adeqaute trash containers; approved hood system; and approved toilet and lavatory facilities.	Vendors must maintain access to a service support facility. Facility should be able to support food preparation; food storage; water supply; general supply storage; storage/overnight parking of the mobile food unit; cleaning of equipment/utensils; waste/disposal; and cooking grease/oil recycling.
Selected Requirements								
Inspection by local approving authority	Yes	Yes. Must comply with applicable State and local jurisdictions food laws and regulations.	Yes	Yes	Yes		Yes, Health Department also inspects daily log that mobile vendor is using base of operations.	Yes
Forms Required	Commissary or Base of Operation Authorization Form; food service facility license.	Administered by local jurisdictions.	Facility must provide letter on letterhead indicating permission for mobile unit operator to use facility as base of operations. If facility is located outside of Frederick County,a copy of the facility's food license is also required.	Base of Operation Agreement letter and food establishment license required (if base of operations is not located in Howard County).	Form and food service license required if depot is located outside of Prince George's County.		Letter/contract stating mobile vendor has permission to use base of operations. The letter must bear original signature of base of operations. If base of operations is located outside of Fairfax County, the food truck must submit a letter from the governing jurisdiction stating that the base of operations is satisfactory and under a regular inspection program.	Application and if support facility not located in dc, mobile vendor must provide business license and most recent inspection report.
Base of Operations must be a licensed food service facility	Yes	Yes	Yes	Yes	Yes		Yes	Yes

## 6.6 Fire Inspection



Inspection of mobile unit by fire department.

	MONTGOMERY	COMPARISON JURISDIC	CTIONS					
	COUNTY	MARYLAND				VIRGINIA		WASHINGTON
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	No	✓	✓	✓	✓	✓	✓	✓
Applicable Code		COMAR 29.06.01.06	Frederick County Code 1-2-69.1	Howard County Code Sec. 17.104	Prince George's County Code Sec. 5-2807	Virginia Statewide Fire Prevention Code Sec. 319.1 to 319.11	State Law Applies	DCMR 12, Chapter 12H, Section F- 105.6; DC Reg. Vendors and Solicitors, Vol. 60 No. 40, Sec. 522, 560
Administering Department		State Fire Prevention Commission/General Assembly	Frederick County Fire and Rescue Division	Department of Fire and Rescue Services	Prince George's County Fire Marshal	VA Department of Housing and Community Development	Office of Fire Marshal	Fire & EMS Department
Description of Requirements		Defines and includes mobile food vendors in fire code; adopts NFPA 1 Fire Code (2018 Edition).	Application for license must have plans showing current fire suppression and exhaust system. After initial inspection by Fire Department, spot checks are conducted.	To apply must have Fire Department inspection. After initial inspection, spot inspections are conducted.	To receive license, mobile unit owner must submit "proof of review" issued by the Fire Department. The Fire Department reviews use of open flame and propane gas in mobile unit and conducts fire-safety related inspections.	A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.		Mobile vendors using a deep fryer, propane, open flame or cooking with other electrical cooking devices must be inspected annually. Additionally, mobile vendors using propane must obtain a propane permit.
Selected								
Requirements								
Cost			\$0, subject to re-inspection fees	\$45/ one day inspection; \$75/ 12-month inspection; re-inspection fee of \$45	\$75; Re-inspection fee, if 3rd visit is required, \$150			Propane permit fee \$100 (200lbs or less of propane); \$0.50 for each pound over 200 lbs.
Cost Includes			Initial inspection and single re-inspection at no charge; if additional re-inspections required, fee will be assessed.	Initial inspection and single re-inspection at no charge; if additional re-inspection required fee will be assessed.	Initial inspection and single re- inspection; additional re- inspection fees will be charged.			Initial inspection and first re-inspection of each kind; re-inspection fee applies to third and subsequent inspections.
Renewal Timeframe			Annual	Annual	Annual			Annual

### 6.7 Location & Hours of Operation



Jurisdictions may limit where food trucks may park. NOTE: OLO did not review zoning laws to determine mobile vendor parking. Information below was readily available on jurisdiction's mobile vendor license websites.

		COMPARI	SON JURISDI	CTIONS				
	MONTGOMERY COUNTY	MARYLANI				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	Unclear	Unclear	Unclear	✓	✓	✓	✓
Applicable Code	Montgomery County Code Chpt. 47	Unclear	Unclear	Unclear	Prince George's County Code Sec. 5-189.01 -5-189.05	Virginia Administrative Code 24VAC30-100-10; 24VAC30-151- 670	Fairfax County Code Sec. 82-1.30	DC Reg. Vendors and Solicitors, Vol. 60 No. 40 Sec. 522
Administering Department	Department of Permitting Services	Unclear	Unclear	Unclear	Department of Permitting, Inspections, & Enforcement	Virginia Department of Transportation	Zoning Administration Division	Department of Consumer and Regulatory Affairs
Description of Requirements	Under County Code, food trucks must not operate on any public side walk or right of way unless permitted by law. Department of Permitting Services (DPS) may issue licenses for Central Business Districts. DPS may limit the number of licenses and the number of licensees that sell a particular of goods. A lottery may be established if too many vendors apply. To operate on a public right of way Department of Transportation must concur that the vendor's location will not impact pedestrian or vehicle safety.	Unclear	Unclear	Unclear	Food trucks may only operate at a County-designated food truck hub. Hubs may be located in parking lots or right-of -ways located at parks and recreational facilities under the control of M-NCPPC or within one-quarter mile radius of a Metro or Marc station entrance. Special authorization by Council resolution is required to for food truck hubs not located at these sites.	State law permits mobile vendors to serve customers along State maintained roadways. Local jurisdictions must complete a land use permit agreement with the State. Mobile vending is also permitted in commuter lots in northern Virginia only.	Fairfax permits mobile food vendors to operate on three types of property - 1. Designated Right of Way locations; 2. Private Commercial Property; 3. Fairfax County Parks. Designated Right-of-Way locations - Fairfax County designated specific mobile food vending zones which set up and operation must be approved through a signed agreement (See VA State Law for fee). Private Commercial Property both the vendor and property owner must have a permit. Fairfax County Park Authority issues permits for select county parks.	Sidewalk permit - authorizes vendor to park mobile vehicle in parking space (must pay meter fees). Vendors may also vend from designated Mobile Roadway Vending (MRV) locations assigned as part of a monthly lottery. Vendors must have an approved site permit to enter monthly lottery. There is no fee to enter the lottery, but a fee must be paid per day. If a vendor does not have a mobile roadway vending permit, the vendor can not park with in 200 feet of a designated MRV location.
Selected Requirements								
Permit Type & Fees	Unclear	Unclear	Unclear	Unclear	No charge for vendor permit. Charge for Food Hub Coordinator, if operating less than 60 days/year fee is \$500 plus 5% technology fee; If operating more than 60 days per year: fee is \$3,500 plus 5% technology fee.	Localities sign a 1 year permit, cost is \$100, to utilize a state-maintained roadway for temporary occupation by mobile food vendors. Permits for commuter lots are for a maximum of 2 months at \$250 or for a single weekend (Saturday and Sunday) for \$110.	Designated Right-of-Way locations - See VA for fee; Private Commercial Property vendor permit \$100 and property owner permit \$100; Fairfax County Parks, \$150.	Site permit: Sidewalk \$1,200; Mobile \$600. Lottery fee (if location is won), fee is \$65 per day up to a maximum of \$450 as a total fee. Lottery spaces are also available around Nationals ball field for home games (\$125 for site permit).
Hours of Operations	Cannot conduct business before 5 am or after 10 pm.	Unclear	Unclear	Unclear	No earlier than 6 am, no later than 9 pm, unless approval from municipality of Prince George's County Economic Development Corporation. If approval obtained trucks may stay open until 12 am.	Localities determine hours of operation for State-maintained roads. For Commuter lot permits, the State of Virginia set hours between 5 am to 9 pm Monday through Friday.	Right of Way Permit, No vending between 10 pm and 7 am, Sundays and Federal holidays no vending before 9 am. Private property max of four hours per day; County Park based on park hours.	Sunday through Thursday, 5 am to 10 pm; Friday and Saturday 5 am to 1 am.

#### 6.8 Business License



Jurisdictions may require mobile food vendors to obtain a business license prior to operation. This is in addition to the required health licenses.

		COMPARISON JURISDICTIONS						
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
		State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	MC Code Chpt. 47	MD. Bus. Reg. Sec. 17-20A;COMAR 03.06.01	State Law Applies	Howard County Code Sec. 14.700-14.710	Prince George's County Code Sec. 5- 2803	VA Administrative Code 23VAC10-210-290	Fairfax County Code Sec. 4-7; Sec. 31-1,2	DC Reg. Vendors and Solicitors, Vol. 60 No. 40 Sec. 502
Administering Department	Department of Permitting Services	Comptroller of Maryland	Unclear	Office of Consumer Affairs	Department of Permitting, Inspections, and Enforcement	Virginia Tax	Department of Cable and Consumer Affairs; Department of Tax Administration	Department of Consumer and Regulatory Affairs
Description of Requirements	Must submit application, plan, valid license, vehicle registration and insurance card, certified food manager's card, and health license to DPS. DPS reviews application and documents. Must come to DPS to pick up license and be photographed. DPS may conduct inspections any time license is valid.	No person, who is subject to the State's Sales and Use tax, may make sales from a vehicle without a transient vendor license. Transient vendor licenses are only issued to Maryland tax payers that have a sales and use tax license, who have been issued a local license from the Circuit Court, and not delinquent in payment of State taxes. Vendors also have to be licensed by the locality.	Frederick County Circuit Court website refers those interested to call the Court to determine business licenses available.	Mobile food vendors are required to obtain a Peddler's License to sell goods from a food truck in Howard County.	Requires a Hawkers/ Peddler's License.	Must register business with the State of Virginia.	If truck is headquartered in Fairfax County with annual revenue in excess of \$10,000, mobile vendor must pay for Business, Professional, and Occupational License (BPOL)tax (Refer to Business Taxes Section). Must also obtain a Solicitor's License.	Must obtain a vending Business License. All employees must also obtain a Vendor Employee Badge.
Selected Requirements								
Apply in Person	In-Person	Mail or online	Unclear	In-person	In-Person	Online or mail	In-person	In-person, renewal email
Cost	Regular Route Vendor, \$264.97; Site Specific Vendor, \$340.67	Transient Vendor - \$0; Sales and Use Tax License – \$0.	Unclear	\$100 each; Applications received between Jan. 1 and June 30th, \$50 each.	\$300 plus 5% technology fee for total of \$315	Unclear	\$35 (includes application and police background check)	License - \$476.30; Employee badge - \$55
Renewal	Annual	Transient Vendor - Good for up to 3 months	Unclear	Annual (July 1st to June 30th)	Annual	Unclear	Annual	2 years

## SECTION 06 SOURCES: FOOD TRUCK LAWS & REGULATIONS (as of January 2020)

Table	Websites
6.1 Application	https://www.montgomerycountymd.gov/HHS-Special/LandRMobileFood.html; https://www.princegeorgescountymd.gov/1571/Food-Service-Facility-FSF-Permits (application available at https://www.princegeorgescountymd.gov/DocumentCenter/View/4373/Mobile-Food-Service-Facility-Permit-Application-PDF); https://health.frederickcountymd.gov/462/OpeningRemodeling-A-Food-Service-Facilit; https://health.frederickcountymd.gov/DocumentCenter/View/1328/Mobile-Unit-Guidelines?bidld=; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=df9ZcWR_5js%3d&tabid=1400&portalid=0; https://www.fairfaxcounty.gov/planning-development/zoning/food-trucks; https://www.fairfaxcounty.gov/health/sites/health/files/assets/documents/pdf/ehf40-mobile-food-unit-guidelines.pdf; https://dchealth.dc.gov/publication/mobile-food-vending
6.2 Mobile Unit Facility Plan	https://www.montgomerycountymd.gov/hhs-special/LandRLicenseFoodService.html#Application; https://www.princegeorgescountymd.gov/1573/Plan-Review; http://health.frederickcountymd.gov/462/OpeningRemodeling-A-Food-Service-Facilit; http://health.frederickcountymd.gov/DocumentCenter/View/1317/Plan-Review-Application-FormpdfSept15?bidld=; https://health.frederickcountymd.gov/DocumentService.html#Application-FormpdfSept15?bidld=; https://health.frederickcountymd.gov/DocumentService.html#Application-FormpdfSept15?bidld=; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=x8VFH5i26g%3d&tabid=1400&portalid=0; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=x8VFH5i26g%3d&tabid=1400&portalid=0; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/2019%20FSHISD%20list%20of%20fees%20for%20services%20and%20goods%20Apr%202019.pdf; https://www.rdh.virginia.gov/content/uploads/sites/110/2018/10/Risk-Categorization-of-Food-Establishments.pdf; https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/publications/startup-guide-ffx-co-restaurant.pdf; https://www.fairfaxcounty.gov/health/food/operators; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Health%20Mobile%20Food%20Vending%20Application_final%20fillable.pdf https://doh.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Restaurant%20Regulatory%20Guide%20Sheet%20FINAL%204-1-16%20%282%29.pdf
6.3 Health License	https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/Mobile%20Application%2010-2017.pdf; https://www.princegeorgescountymd.gov/DocumentCenter/View/4373/Mobile-Food-Service-Facility-Permit-Application-PDF; https://www.princegeorgescountymd.gov/DocumentCenter/View/4387/Temporary-Food-Service-Facility-Permit-Application-PDF; https://health.frederickcountymd.gov/DocumentCenter/View/411/Environmental-Health-Fee-Schedule?bidld=; https://health.frederickcountymd.gov/DocumentCenter/View/1328/Mobile-Unit-Guidelines?bidld; https://health.frederickcountymd.gov/DocumentCenter/View/1270/Temp-Event-Regs-7-15-15?bidld=; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=8j1VMX_tST8%3d&tabid=1398&portalid=0; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=df9ZcWR_5js%3d&portalid=0; https://dchealth.dc.gov/service/food-safety-and-hygiene-inspection-services-division; https://www.fairfaxcounty.gov/health/files/assets/documents/pdf/ehf28-food-fees.pdf; https://www.fairfaxcounty.gov/health/permits/mobile-food-unit-https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/DC%20Health%20Mobile%20Food%20Vending%20Application_final%20fillable.pdf

NOTE: Blank cells indicate that no information was readily available in statutes, on websites, on forms/applications, etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.

## SECTION 06 SOURCES: FOOD TRUCK LAWS & REGULATIONS (as of January 2020)

Table	Websites
6.4 Health Inspection	https://www.montgomerycountymd.gov/HHS-Special/LandRMobileFood.html; https://www.princegeorgescountymd.gov/2368/Food-Truck-Hubs; https://md-frederickcountyhealth.civicplus.com/Faq.aspx?QID=176; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=df9ZcWR_5js%3d&tabid=1400&portalid=0; http://www.vdh.virginia.gov/environmental-health/food-safety-in-virginia/food-operators/; https://www.fairfaxcounty.gov/planning-development/zoning/food-trucks; https://dchealth.dc.gov/sites/default/files/dc/sites/doh/publication/attachments/Mobile%20Vending%20Changes%20Rev.%2010.2018.pdf
6.5 Base of Operations	https://www.montgomerycountymd.gov/HHS-Special/Resources/Files/LandRdocs/Mobile%20Application%2010-2017.pdf; https://www.montgomerycountymd.gov/HHS-Special/LandRMobileFood.html; https://www.princegeorgescountymd.gov/DocumentCenter/View/20600/Depot-Letter-Mobile-Unit-Base-of-Operations-PDF; https://www.princegeorgescountymd.gov/2368/Food-Truck-Hubs; https://health.frederickcountymd.gov/DocumentCenter/View/1328/Mobile-Unit-Guidelines?bidld=; https://www.howardcountymd.gov/LinkClick.aspx?fileticket=v_UYz3SAzfE%3d&portalid=0; https://www.fairfaxcounty.gov/health/sites/health/files/assets/documents/pdf/ehf40-mobile-food-unit-guidelines.pdf
6.6 Fire Inspection	http://health.frederickcountymd.gov/faq.aspx?qid=176; https://www.princegeorgescountymd.gov/DocumentCenter/View/11350/Vendors-Packet-English-PDF; https://www.princegeorgescountymd.gov/DocumentCenter/View/3624/Fire-Inspection-Fee-PDF?bidld=; http://register.dls.virginia.gov/details.aspx?id=6874; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/LP-Gas%20Propane%20Permits%20Requirements.pdf; https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/DCFEMS%20Permit%20Fee%20Schedule.pdf
6.7 Location and Hours	https://www.montgomerycountymd.gov/hhs-special/LandREnviroHealthMenu.html; https://www.fda.gov/food/food-labeling-nutrition/fact-sheet-fdas-implementation-menu-labeling-moving-forward; https://www.fda.gov/media/116000/download; https://www.princegeorgescountymd.gov/2368/Food-Truck-Hubs (see vendor and coordinator specific resources); https://www.virginiadot.org/business/resources/land_use_regs/newPermitPackages/LUP-MFV.pdf; https://www.virginiadot.org/business/resources/land_use_regs/newPermitPackages/LUP-CFV_Mobile_Food_Vending.pdf; https://www.fairfaxcounty.gov/planning-development/zoning/food-trucks; https://dcra.dc.gov/service/vending
6.8 Business License	https://www.montgomerycountymd.gov/DPS/Process/zspe/Regular-Route-Vendor-License.html; https://taxes.marylandtaxes.gov/Business Taxes/Business Tax Types/Sales and Use Tax/; https://taxes.marylandtaxes.gov/Resource Library/Tax Publications/Tax Notices/Sales and Use Tax Notices/su not13.pdf; https://www.princegeorgescountymd.gov/1220/Licensing-Requirements; https://www.howardcountymd.gov/Departments/Community-Resources-and-Services/Office-of-Consumer-Protection/Peddling-amp-Soliciting; https://www.tax.virginia.gov/register-business-virginia; https://www.fairfaxcounty.gov/cableconsumer/csd/regulation-licensing/canvassers-peddlers-promoters-solicitors; https://www.fairfaxcounty.gov/planning-development/zoning/food-trucks; https://dcra.dc.gov/service/vending

NOTE: Blank cells indicate that no information was readily available in statutes, on websites, on forms/applications, etc. Grayed cells indicate either areas of Federal or State law adoption or areas where there is no local or state law enacted on the matter.



# **ALCOHOL LICENSES**

- 7.1 Application Fees
- 7.2 License Fees
- 7.3 Alcohol Awareness Training

#### 7.1 Application Fees



Fee requirements for submission of alcohol beverage license application. **NOTE**: OLO used the Maryland Alcohol Licensing Association (MALA) October 2019, Comparative Analysis of Alcohol Regulatory Systems Report as a primary resource regarding information pertaining to the State of Maryland and Maryland Jurisdictions.

	MONTOONERY	COMPARISON JURISDICTIC	ONS					
	MONTGOMERY COUNTY	MARYLAND				VIRGINIA		WASHINGTON
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia
Law	✓	✓	✓	✓	✓	✓	✓	✓
Applicable Code	State Law Applies	Md. Code. Ann. Alcoholic Beverages (4-107 background checks)		State Law Applies		VA Alcohol Beverage Control Act, Chapter 2	State Law Applies	DC Code Title 25 Alcoholic Beverage Regulation Administration; DC Municipal Regulations Title 23 Alcoholic Beverages
Selected Requirements								
New Application Fee	\$600		\$750	\$270	\$700	\$195 (each application requires a separate fee. For example may combine beer and mixed beverage license into one application but must pay two application fees.		\$75
Finger printing fee	\$120 per person (all applicants and managers, offered at ABS).	Permits local licensing boards to perform background checks on applicants for alcohol licenses.	Unclear	Offered at independent companies.	Background check and fingerprinting. Fingerprinting available at independent companies.	\$15 per person. Background investigation conducted, including criminal history checks and notification of local authorities.		Police clearance from Metropolita Police Department required for ABC Manager (see Table 7.3).
License Transfer Fee	\$100		\$750	\$270	\$500	Unclear		Transfer to new owner, \$250; Transfer to new location, \$250
Renewal Processing Fee	Unclear	Unclear	\$100	Unclear	Unclear	Unclear		Unclear
State Mandated Transfer Fee		\$ 20 (applies to all jurisdictions in MD)						
License Renewal Period	Annual	Unclear	Annual	Annual	Annual	Annual		3 Years
Late fee for Non- Renewal of License	\$50 +\$50 subsequent daily late fee	Unclear	\$100 + \$100 subsequent daily late fee	\$50 +\$50 subsequent daily late fee	\$10,000	Unclear		\$50 per day, not to exceed cost o license

#### 7.2 License Fees - Maryland



Fees to obtain select classes of alcohol license, particularly those issued to retail stores, restaurants, hotels, etc. Licenses are generally grouped by class, type, and special designations, if applicable. NOTE: OLO used the Maryland Alcohol Licensing Association (MALA) October 2019, Comparative Analysis of Alcohol Regulatory Systems Report as a primary resource regarding information pertaining to the State of Maryland and Maryland Jurisdictions.

		COMPARISON JURISDICTIONS			
	MONTGOMERY COUNTY	MARYLAND			
Law	✓	State 🗸	Frederick	Howard	Prince George's
		<u> </u>	·	<b>,</b>	, 
Applicable Code	MD AL Bev D. 2 Title 25	MD AL Bev D. 1 Title 2-4	MD AL Bev D. 2 Title 20	MD AL Bev D. 2 Title 23	MD AL Bev D. 2 Title 26
	Class A: Wine Only or Beer & Wine (stores); Wine only - \$100; Wine & Beer, \$250	State Alcoholic Beverage laws are divided into two divisions. Division 1 details State issued permits and licenses that exist in the State. Division 2 detail type of license that are authorized in each County	Class A -(retail): Beer Only, \$100; Beer & Wine, \$140; Beer, Wine & Liquor, \$650	Class A - (packaged goods): Beer Only, \$150; Beer & Light Wine, \$175; 7-Day Beer, Wine, & Liquor, \$900; 6-day Beer, Wine, & Liquor, \$700	Class A: Off-Premises; Beer, \$500; Beer and Wine, \$500; Beer, Wine, Liquor, \$910
	Class B: Beer & Wine (restaurants and taverns), \$400.00		Class B: Beer Only and/or Beer & Wine (restaurant); Beer only, \$130; Beer & Wine, \$160	Class B (restaurants and hotels): Beer, Restaurant, \$150; Beer & Light Wine, Restaurant, \$175; Restaurant & Class B Beer, Wine, & Liquor \$500	Class B: On-Premises; Beer, \$365; Beer and Wine, \$365
	Class B: Beer/Wine/Liquor (restaurants, taverns, hotels, and motels, \$2,500		Class B: Beer, Wine and Liquor (restaurant), \$1,500	Class B (restaurants and hotels): Luxury Restaurants, \$2,000; Beer, Wine & Liquor, \$1,000	Class B (BL): On-Premises Beer, Wine, and Liquor \$2,305; On- and Off-Premises Beer, Wine, and Liquor, \$3,207
Types of Licenses	Class D: Beer, Wine, & Liquor, \$3,000			Class D (taverns): - Beer, Wine, & Liquor - 7 -day On-premises \$1,000; 6-day On-Premises \$600; 7-day On- and Off-premises \$1000; 6-day On- and Off-Premises, \$800	Class B (hotel): Beer, Wine, and Liquor, \$5,000
	Class D: Beer & Wine (taverns, specialty shops, and packaged goods stores), \$400			Class D (taverns): - Beer, \$150; Beer & Light Wine, \$175	Class B (luxury restaurants, movie theaters): \$3,875
	Class H: Beer & Wine (hotels and restaurants), \$400				Class D: Beer, \$500; Beer and Wine, \$500

#### 7.2 License Fees Cont'd - Virginia & DC



Fees to obtain select classes of alcohol license, particularly those issued to retail stores, restaurants, hotels, etc. Licenses are generally grouped by class, type, and special designations, if applicable. NOTE: OLO used the Maryland Alcohol Licensing Association (MALA) October 2019, Comparative Analysis of Alcohol Regulatory Systems Report as a primary resource regarding information perrtaining to the State of Maryland and Maryland Jurisdictions.

		COMPARISON JURISDICTIONS		
	MONTGOMERY COUNTY	VIRGINIA		WASHINGTON
		State	Fairfax	District of Columbia
Law	✓	✓	✓	✓
Applicable Code	MD AL Bev D. 2 Title 25	Code of Virginia, Title 4.1 Alcoholic Control Act Sec. 4.1-206 to 230	State Law Applies	DC Code Sec. 25-110-128; Sec. 25-721-726
	Class A: Wine Only or Beer & Wine (stores); Wine only - \$100; Wine & Beer, \$250	Restaurant/Hotel: Beer On-Premises, \$145		Class A Off-Premises Retailer (Liquor Store): Beer, Wine, Liquor, \$2,600; Class B Off-Premises Retailer (Grocery Store) Beer and Wine, \$1,300
	Class B: Beer & Wine (restaurants and taverns), \$400	Restaurant/Hotel - Beer On- and Off-Premises: \$300; Beer On- and Off-Premises and Keg, \$365		Restaurant - Class CR-01 to CR-04: Beer, Wine, and Liquor - \$1,000 (99 or fewer capacity) to \$2,600 (500 or more capacity); Class DR-01 to DR-04 Beer and Wine \$600 (99 or fewer capacity) to \$1,560 (500 or more capacity) (Cost based on restaurant capacity)
	Class B: Beer/Wine/Liquor (restaurants, taverns, hotels, and motels, \$2,500	Restaurant/Hotel/Hotel-Limited Service: Beer and Wine On-Premises, \$300		Tavern - Class CT-01 to Ct-03: Beer, Wine, Liquor, \$1,300 (99 or fewer capacity) to \$3,120 (200 or more capacity); Class DT-01 to DT-03 Beer and Wine, \$1,000 (99 or fewer capacity) to \$1,950 (200 or more capacity) (Cost based on restaurant capacity)
Types of Licenses	Class D: Beer, Wine, & Liquor, \$3,000	Grocery Store/Delicatessen, Gourmet Shop: Wine and Beer Off-Premises, \$230; Wine and Beer Off-Premises and Keg, \$295		Nightclub - Class CN-01 to CN-05: Beer, Wine, Liquor, \$1,950 (99 or fewer capacity) to \$5,850 (1,000 or more capacity); DN-01 to DN-05 Beer and Wine, \$1,300 (99 or fewer capacity) to \$4,550 (1,000 or more capacity)
	Class D: Beer & Wine (taverns, specialty shops, and packaged goods stores), \$400	Restaurant/Hotel: Wine and Beer On- and Off-Premises \$600; Wine and Beer On- and Off-Premises and Keg, \$665		Hotel - Class CH-01 to Ch-02: Beer, Wine, and Spirits, \$2,600 (99 or fewer guest rooms) to \$5,200 (100 or more guest rooms); Class DH-01 to DH-02 Beer and Wine, \$,300 (99 or fewer guest rooms) to \$2,600 (100 or more guest rooms)
	Class H: Beer & Wine (hotels and	Mixed Beverage On-Premises: (wine and beer on-premises privileges are required to apply) - Restaurant/Hotel/Resort Complex: \$560 (seating capacity 1-100 persons); \$975 (101-150 persons); \$1,330 (151 or more persons)		
	restaurants), \$400	Limited Mixed Beverage On-Premises: (dessert wine and no more than 6 varieties of liqueurs) Required to apply - \$460 (seating capacity 1-100 persons); \$875 (101 to 150 persons); \$1,330 (151 or more persons)		

#### 7.3 Alcohol Awareness Training



Jurisdictions may require a manager to enroll and pass an alcohol awareness training. <u>NOTE</u>: OLO used the Maryland Alcohol Licensing Association (MALA) October 2019, Comparative Analysis of Alcohol Regulatory Systems Report as a primary resource regarding information pertaining to the State of Maryland and Maryland Jurisdictions.

	MONTGOMERY	COMPARISON JURISDICTIONS							
	COUNTY	MARYLAND				VIRGINIA		WASHINGTON	
	COUNT	State	Frederick	Howard	Prince George's	State	Fairfax	District of Columbia	
Law	✓	✓	✓	✓	✓	No	No	✓	
Applicable Code	State Law Applies	MD. Code. Ann. AL Bev Sec. 3- 504		State Law Applies		VA Code AL Bev. Control Act Sec. 4.1-111	State Law Applies	DC Code AL Bev. Reg. Admin. Sec 25-121	
Description of Requirements		License holder or designee must be trained in State approved Alcohol Awareness Program and certification must be renewed every 4 years.				Not Required. State offers free training for managers and retail clerks, bartenders and servers. In some cases State law affords a reduction in suspension or fees for sellers who can prove staff training in the past 12 months.		Must have alcohol beverage control manager on-site when alcohol being sold, Cost \$260, valid for 2 years.	
Selected Requirements									
Person must be on-site	Yes	Unclear	Yes, Certified individual may be absent for emergency for up to 2 hours.	Yes, certified individual may be absent for up to 2 hours.	Unclear			Yes	

### SECTION 07 SOURCES: ALCOHOL LICENSES (as of January 2020)

Table	Websites
7.1 Application	Maryland Alcohol Licensing Association (MALA), Comparative Analysis of Alcohol Regulatory Systems: A Maryland Case Study, October 2019. https://www.montgomerycountymd.gov/ABS/licensure/license/; https://www.princegeorgescountymd.gov/2172/New-Application-Process; https://www.princegeorgescountymd.gov/2174/Renewal-Process; https://frederickcountymd.gov/3892/Applications; https://frederickcountymd.gov/6559/LicenseAdmin-Fees; https://cc.howardcountymd.gov/Liquor-License; https://www.abc.virginia.gov/licenses/get-a-license/retail-licenses; https://abra.dc.gov/page/licensing
7.2 Licenses	Maryland Alcohol Licensing Association (MALA), Comparative Analysis of Alcohol Regulatory Systems: A Maryland Case Study, October 2019.  https://www.montgomerycountymd.gov/ABS/licensure/license/; https://frederickcountymd.gov/DocumentCenter/View/321937/FCLiquorBoard_Book-proof; https://frederickcountymd.gov/DocumentCenter/View/305802/Fees-list; https://abra.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABRACodeBook-Revised2019-UPDATES-02%202019Final3.pdf; https://www.abc.virginia.gov/library/licenses/pdfs/retaillicense.pdf; https://www.abc.virginia.gov/licenses/get-a-license/retail-licenses/pdfs/retaillicense.pdf
7.3 Certification	Maryland Alcohol Licensing Association (MALA), Comparative Analysis of Alcohol Regulatory Systems: A Maryland Case Study, October 2019. <a href="https://www.abc.virginia.gov/licenses/training">https://www.abc.virginia.gov/licenses/training</a> ; <a href="https://abra.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABC%20Manager%27s%20License%20Instructions%2010.31.18%282%29.pdf">https://abra.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABC%20Manager%27s%20License%20Instructions%2010.31.18%282%29.pdf</a>

NOTES: Blank cells indicate that no information was found in statutes, on websites, on forms/applications, etc. Blue text indicates information was not clear in statute, on websites, forms/applications, etc. Grayed cells indicate that there is either no State or local laws/requirements or areas of Federal or State law adoption.



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Kim Goral, Founding Farmers

Aviva Goldfarb

Vicki Griffith, Founding Farmers

Mike Houston, Takoma Park Silver Spring Co-Op

Maroun Wazir, Lebanese Taverna

Sandy Wright, Watershed Cafe

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